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THE

HISTORY OF THE REFORMATION

OF THE

CHURCH OF ENGLAND.

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THE

HISTORY OF THE REFORMATION

OF THE

CHURCH OF ENGLAND

BY

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BISHOP OF SALISBURY.

A NEW EDITION CAREFULLY REVISED, AND THE RECORDS COLLATED WITH THE ORIGINALS,

BY

NICHOLAS POCOCK, M.A.

LATE MICHEL FELLOW OF QUEEN'S COLLEGE.

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A COLLECTION

OF

RECORDS

LETTERS AND ORIGINAL PAPERS

WITH OTHER INSTRUMENTS

REFERRED TO IN

THE FIRST PART OF THE HISTORY.

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A

COLLECTION

OF

RECORDS &c.

Number I. [p. 12.]

3 *The record of cardinal Adrian's oath of fidelity to Henry VII. for the bishopric of Bath and Wells.*

HENRICUS REX, &c. Reverendo in Christo patri, domino Silvestro episcopo Wygorniensi, venerabili viro domino Roberto Shirborne ecclesiæ Sancti Pauli Londoniæ decano, nostris in Romanâ curiâ oratoribus, ac magistro Hugoni Yng sacræ theologiæ professori, salutem. Treaty Rolls [Franc. 20. H. 7. m. 5. ap. Rymer xiii, p. 108.]

Cum omnes et singuli archiepiscopi et episcopi hujus nostri incliti regni (quorum omnium nominationes, et promotiones, ad ipsas supremas dignitates, nobis attinent) ex regali et peculiari quâdam prærogativâ, jureque municipali, ac inveteratâ consuetudine, hactenus in hoc regno nostro inconcusse et inviolabiliter observatâ, teneantur et astringantur, statim et indilate post impetratas bullas apostolicas, super eorumdem promotione ad ipsam nostram nominationem, coram nobis et in præsentiâ nostrâ, si in hoc regno nostro fuerint, vel coram commissariis nostris, ad hoc sufficienter et legitime deputatis, si alibi moram traxherint, non solum palam, publice et expresse, totaliter cedere, et in manus nostras renunciare omnibus, et quibuscumque verbis, clausulis, et sententiis in ipsis bullis apostolicis contentis, et descriptis, quæ sunt, vel quovis modo in futurum esse poterunt, præjudicialia, sive dampnosa, nobis, hæredibus de corpore nostro legittime procreatis Angliæ regibus, coronæ aut regno nostro, juribusve, consuetudinibus, aut prærogativis

ejusdem regni nostri, et quoad hoc totaliter seipsos submittere et ponere in nostrâ bonâ veniâ et gratiâ: sed etiam juramentum fidelitatis et homagii ad sancta Dei evangelia, per eosdem respective corporaliter tacta, nobis facere et præstare;

Cumque nos ob præclara merita eximiasque virtutes quibus reverendissimum in Christo patrem, dominum Adrianum tituli sancti Crisogoni presbiterum cardinalem habunde refertum conspicimus, obque diuturnum et fidele obsequium per ipsum cardinalem nobis factum et impensum, eundem ad ecclesias Bathoniensem et Wellensem invicem unitas nominaverimus et promoverimus,

Qui idcirco et ob id quod in curiâ Romanâ continue moram trahit, non potest commode hujusmodi renunciationem et juramentum coram nobis personaliter facere et præstare;

Hinc est quod nos,

De fidelitatibus vestris et providâ circumspectione, ad plenum confidentes,

Dedimus, et concessimus, ac per præsentes damus et concedimus, vobis tribus, aut duobus vestrûm, quorum præfatum episcopum Wygorniensem unum esse volumus, plenam potestatem et auctoritatem, vice et nomine nostris, hujusmodi renunciationem in manus vestras, et juramentum ad sancta Dei evangelia corporaliter tacta, juxta formam et verum tenorem, de verbo in verbum inferius descriptum, ab eodem reverendissimo domino cardinali recipiendi, exigendi, et cum effectu præstari videndi,

Ipsumque cardinalem, ut hujusmodi renunciationem et juramentum per ipsum sic ut præmittitur fienda et præstanda, manu et subscriptione suis signet, et muniat, requirendi, et ut ita fiat cum effectu videndi,

Literas quoque et instrumenta publica super hujusmodi renunciatione, et juramento fieri petendi,

Et notarium sive notarios publicos, unum vel plures, ut ipsa 4
instrumenta conficiant, necnon testes qui tunc præsentes erunt, ut veritati testimonium perhibeant rogandi et requirendi,

Ipsaque instrumentum vel instrumenta taliter fienda, verum ordinem rei gerendæ, et renunciationis ac juramenti tenores in se continens vel continentia, nobis destinandi et transmittendi,

Et generaliter omnia et singula faciendi, gerendi, et exercendi, quæ in prædictis et quolibet prædictorum necessaria

fuerint, seu quomodolibet oportuna, ac quæ rei qualitas exigit et requirit, et quæ nos ipsi facere et exercere possemus si præsentes et personaliter interessemus, etiam si talia forent quæ de se mandatum exigant magis speciale.

Tenor renunciationis sequitur et est talis.

EGO ADRIANUS miseratione divinâ tituli sancti Crisogoni presbiter cardinalis episcopus Bathoniensis et Wellensis,

Coram vobis reverendo patre episcopo Wygorniensi, domino Roberto Shurborne decano Sancti Pauli Londoniæ, et Hugoni Yng in theologiâ professore,

Commissariis ad hoc a serenissimo atque excellentissimo principe domino Henrico Dei gratiâ regi Angliæ, et Franciæ, et domino Hiberniæ, ejus nominis septimo, DOMINO MEO SUPREMO, sufficienter et legittime deputatis,

Expressè renuncio, et in hiis scriptis manu et sigillo meis in præsentiâ notariorum et testium subscriptorum munitis, totaliter cedo omnibus et quibuscumque verbis, clausulis et sententiis, in bullis apostolicis michi factis de prædicto episcopatu Bathoniensi et Wellensi contentis et descriptis, quæ sunt vel quovis modo in futurum esse poterunt præjudicialia sive dampnosa præfato serenissimo regi, DOMINO MEO SUPREMO, hæredibus suis de corpore suo legittime procreatis Angliæ regibus, coronæ aut regno suæ majestatis juribusve, consuetudinibus, aut prærogativis ejusdem regni, et quoad hoc me integraliter submitto et pono in gratiâ suæ celsitudinis.

Humillime supplicans suam majestatem, dignetur michi concedere temporalia dicti episcopatûs Bathoniensis et Wellensis quæ recognosco tenere a suâ majestate tanquam a DOMINO MEO SUPREMO.

Tenor juramenti sequitur et est talis:

Et ego idem Adrianus cardinalis prædictus juro ad hæc sancta Dei evangelia per me corporaliter tacta, quod ab hâc die in antea, vitâ meâ naturali durante, ero fidelis et verus ligeus, ac fidelitatem in ligeantiâ meâ pure et sincere servabo;

Fideleque et verum obsequium secundum optimum posse meum faciam et impendam serenissimo principi Henrico ejus nominis septimo, Dei gratiâ Angliæ et Franciæ regi ac domino Hiberniæ DOMINO MEO SUPREMO, et hæredibus suis de corpore suo legittime procreatis Angliæ regibus, contra quas-

cumque personas cujuscumque statûs, gradûs, præeminentiæ aut conditionis extiterint.

Nec quicquam faciam aut attemptabo fierive aut attemptari consentiam, quod in dampnum, incommodum, aut præjudicium, ipsius serenissimi regis aut hæredum suorum prædictorum, jurium, libertatum, prærogativarum, privilegiorum et consuetudinum sui incliti regni, quovis modo cedere poterit.

Sed omne id quod jam scio, vel imposterum cognoscam inhonorabile, dampnosum aut præjudiciale suæ serenitati, aut regno suo, seu contrarium honori aut securitati suæ majestatis, aut hæredum suorum prædictorum, non solum impediam ad extremum potentiæ meæ, sed etiam cum omni possibili diligentiâ id ostendam et significabo, ostendive aut significari faciam eidem serenissimo regi, omni favore, metu, promisso aut jurejurando cuicumque personæ aut quibuscumque personis cujuscumque statûs, gradûs, ordinis, præeminentiæ conditionisve extiterint, antehac per me factis aut interpositis seu imposterum fiendis aut interponendis, penitus sublatis et non obstantibus. Honorem insuper suæ majestatis ad extremum potentiæ meæ servabo.

Parliamentis quoque et aliis conciliis suæ celsitudinis cum in ejus regno fuero diligenter attendam; consilium quod sua serenitas per se seu literas aut nuncium suum michi manifestabit, nemini pandam, nisi hiis quibus ipse jusserit: et si consilium meum super aliquo facto majestas sua postulaverit, fideliter sibi consulam, et quod magis suæ serenitati videbitur expedire, et conducere juxta opinionem et scire meum, dicam et aperiam, atque id si sua serenitas mandaverit pro posse meo diligenter faciam.

Causas insuper et negotia omnia suæ serenitatis mihi commissa, seu imposterum committenda, in curiâ Romanâ prosequenda, pertractanda et solicitanda, fideliter, accurate et diligenter, cum omnimodâ dexteritate prosequar, pertractabo et solicitabo.

Bullasque ac alias literas apostolicas validas et efficaces, in debitâ juris formâ, super eisdem causis et negotiis impetrari expediri et obtineri absque fraude, dolo aut sinistrâ quâvis machinatione quantum in me erit, cum omni effectu enitar, operam dabo et conabor: ac easdem taliter expeditas, cum eâ quam res expostulat diligentiâ, suæ serenitati transmittam, aut per alios transmitti, tradi et liberari curabo.

Et faciam servitia quoque et homagia pro temporalibus dicti episcopatûs, quæ recognosco tenere a suâ celsitudine tanquam a DOMINO MEO SUPREMO, fideliter faciam et implebo.

Ita me Deus adjuvet et sancta Dei evangelia.

In cujus, &c.

Teste rege apud Westmonasterium, decimo tertio die Octobris.

Per ipsum regem.

Number II. [p. 18.]

Pope Julius' letter to archbishop Warham for giving king Henrg the Eighth the golden rose.

Venerabili fratri Guillelmo archiepiscopo Cantuariensi Julius papa secundus.

VENERABILIS frater, salutem et apostolicam benedictionem. Registr. Warhami fol. xxvi. b.

Carissimum in Christo filium nostrum Henricum Angliæ regem illustrem, quem peculiari caritate complectimur, aliquo insigni apostolico munere in hoc regni sui primordio, decorandum putantes, mittimus nunc ad eum rosam auream, sancto crismate delibutam, et odorifero musco aspersam, nostrisque manibus de more Romanorum pontificum benedictam, quam ei a tuâ fraternitate inter missarum solemnia per te celebranda, cum cerimoniis in notulâ alligatâ contentis, dari volumus cum nostrâ et apostolicâ benedictione.

Datum Romæ apud Sanctum Petrum sub annulo piscatoris, die quinto Aprilis, millesimo quingentesimo decimo. Pontificat snostri anno septimo.

Sigismundus.

The note of the ceremonies of delivering the rose, referred to in the letter, was not thought worthy to be put in the register.

Number III. [p. 20.]

A writ for summoning convocations.

Tunst. Regist. fol. xxxiii. b.

HENRICUS octavus Dei gratiâ Angliæ et Franciæ rex, fidei defensor et dominus Hiberniæ, Reverendissimo in Christo patri Willielmo, archiepiscopo Cantuariensi, totius Angliæ primati salutem.

Quibusdam arduis et urgentibus negotiis, Nos, securitatem et defensionem ecclesiæ Anglicanæ, ac pacem, tranquillitatem, 6 bonum publicum, et defensionem regni nostri et subditorum nostrorum ejusdem concernentibus, vobis in fide, dilectione quibus nobis tenemini rogando mandamus, quatenus præmissis debito intuitu attentis et ponderatis, universos et singulos episcopos vestræ provinciæ, ac decanos et priores ecclesiarum cathedralium, abbates, priores et alios electivos, exemptos et non exemptos, necnon archidiaconos, capitula, conventus, et collegia, totumque clerum, cujuslibet dioceseos ejusdem provinciæ, ad comparendum coram vobis in ecclesiâ cathedrali Sancti Pauli Londoniæ vel alibi prout melius expedire videritis, cum omni celeritate accommodâ, modo debito convocari faciatis ad tractandum, consentiendum, et concludendum super præmissis, et aliis quæ sibi clarius exponentur, tunc ibidem ex parte nostrâ. Et hoc, sicut nos et statum regni nostri, ac honorem et utilitatem ecclesiæ prædictæ diligitis, nullatenus omittatis. Teste meipso, apud Westmonasterium sexto die Februarii anno regni nostri quarto decimo.

Warham, in his writ of executing this summons, prefixes the 20th *of April for the day of their meeting.*

Number IV. [p. 20.]

A writ for a convocation summoned by Warham on an ecclesiastical account.

WILLIELMUS permissione divinâ Cantuariensis archiepiscopus, tocius Angliæ primas et apostolicæ sedis legatus, venerabili confratri nostro domino Ricardo Dei gratiâ Londoniensi episcopo, salutem et fraternam in Domino caritatem. Registr. Fitz-James [fol. x.]

Cum nuper ecclesia Anglicana, quæ majorum nostrorum temporibus, multis ac magnis libertatibus et immunitatibus gaudere solebat, quorundam iniquorum hominum maliciis, et nequiciis fortiter fuerit inquietata et perturbata, qui omnia quæ a majoribus nostris sancte et pie, ob tranquillitatem dictæ ecclesiæ fuerunt ordinata ac sancita, vel pravâ et sinistrâ interpretacione prope subvertentes, vel personas ecclesiasticas male tractantes, ac eas contemptui habentes, dictam ecclesiam pene prostraverunt ac pedibus conculcarunt:

Ne igitur dicta ecclesia Anglicana ad calamitatem insignem seu ruinam ac jacturam, et quod absit, desolacionem perveniat, quas diu eadem ecclesia Anglicana per diversas personas, ut præfertur, præ oculis suis Deum non habentes, nec censuras sanctæ matris ecclesiæ timentes, sustinuit et sustinebat, prout de verisimili, reformacione non habitâ in futurum sustinere debeat:

Nos prout tenemur, congruum remedium in hâc parte providere cupientes, et ob id ipsum prælatos et clerum nostræ Cantuariensis provinciæ convocare volentes;

Fraternitati vestræ igitur committimus et mandamus, quatinus omnes et singulos dictæ nostræ Cantuariensis ecclesiæ suffraganeos infra nostram provinciam constitutos et absentium episcoporum si qui fuerint vicarios in spiritualibus generales, ac diocesium vacancium custodes spiritualitatis, et officiales citetis seu citari faciatis, peremptorie, et per eos, decanos et priores ecclesiarum cathedralium ac singula capitula eorundem, archidiaconos, abbates et priores, conventus sub se habentes, et alios ecclesiarum prælatos exemptos, et non exemptos, clerumque cujuslibet dioceseos provinciæ nostræ antedictæ, citari peremp-
7 torie et præmoneri volumus et mandamus, quod iidem episcopi

suffraganei nostri, vicarii generales, decani et custodes sive officiales, abbates, priores, archidiaconi ac cæteri ecclesiarum prælati, exempti et non exempti, personaliter, et quodlibet capitulum ecclesiarum cathedralium per unum de capitulo graduatum, vel magis idoneum; dictique singuli abbates, sive priores conventus sub se habentes, obstante impedimento legitimo, per unam religiosam personam de conventu graduatam si quæ sit, ceu alias per unam magis idoneam de eodem conventu, clerusque cujuslibet dioceseos provinciæ antedictæ per duos procuratores graduatos ejusdem dioceseos seu alias si non fuerint, per duos sufficienciores et habiliores dioceseos in eorum beneficiis realiter residentes, compareant coram nobis aut nostris in hac parte locumtenentibus, vel commissariis si nos tunc (quod absit) impediri contigerit in ecclesiâ cathedrali Sancti Pauli Londoniæ die Sabbati videlicet vicesimo sexto mensis Januarii——[3].

Datum in manerio nostro de Lambeth primo die mensis Novembris, anno Domini millesimo quingentesimo nono, et nostræ translacionis anno sexto.

[3] [More than half the document has been omitted here.]

Number V. [p. 21.]

The preamble of the act of subsidy granted by the clergy.

QUUM ILLUSTRISSIMUS et potentissimus dominus noster rex Angliæ et Franciæ, fidei defensor et dominus Hiberniæ semper extitit constantissimus ecclesiæ protector et patronus optime meritus, atque superioribus annis, in diebus felicis recordationis Julii ejus nominis papæ secundi, grave scisma in ecclesiâ Romanâ exortum pacavit et extinxit; et postea ipsam ecclesiam Romanam contra vim et potentiam Gallorum, qui tunc Italiam, urbem Romanam in servitutem redigere moliebantur validissimo exercitu et bello longe omnium sumptuosissimo feliciter defendit, et securam reddidit: Ac præterea postremis his diebus Lutheranas hæreses, in ecclesiæ sacramenta ecclesiæque statum furiose debacchantes doctissimo et nunquam satis laudato libello contudit et superavit, vicissim tam gladio quam calamo hostes ecclesiæ strenuissime profligans, quibus meritis suam clarissimam famam immortali gloriæ pariter consecravit, tales laudes et gratias suâ incomparabili bonitate ab ecclesiâ promeruit, quales nunquam satis dignas quisquam mortalium referre poterit, sed Deus affatim persolvet præmia digna; quumque idem rex noster et protector illustrissimus a rege Gallorum per mare et per terras, incholas hujus regni contra percussum fœdus, promissam fidem, et suum ipsius salvum conductum, assidue infestante, et Scotos contra regnum hoc instigante ac suis stipendiis conducente, atque ducem Albaniæ in perniciem principis Scotorum, nostri regis ex sorore nepotis, impellente, aliasque injurias multas et graves contra regiam majestatem suosque amicos et subditos quotidie multiplicante, provocatur, irritatur, atque urgetur ut bellum suscipiat, suumque regnum tam contra Gallos quam contra Scotos, ut decet invictissimum principem, potenter defendat; non enim ultra pacem colere vel pacem longius expectare convenit, postquam rex Gallorum summum pontificem bene moventem, et quæ pacis sunt suadentem, audire recusat, exercitum instruens et bellum apparans, fortassis in multos annos duraturum: Dignissimum est ob præfata tam præclara facinora, ut sicut rex noster illustrissimus plus cæteris regibus antecessoribus suis pro ecclesiæ defensione, utilitate et

An. Dom. 1523. Regist. Cuthberti Tunstall, folio [xl. b.]

honore insudavit, et plus expensarum sustinuit; ita ad sustinenda bellorum onera imminentia, pro ecclesiæ et totius regni 8
hujus defensione, per ecclesiam tali subsidio adjuvetur quale anterioribus regibus nunquam antehac concessum est, nec fortassis posterioribus regibus unquam simile, nisi ob talia benefacta vel extremam bellorum necessitatem postea concedetur. Quocirca ut regia majestas ad fovendam et protegendam ecclesiam, et clerum Angliæ, magis indies animetur, et ut jura, libertates et privilegia ecclesiæ concessa benigne ecclesiæ servet, et ab aliis servari faciat, et ne præfata benefacta in ingratos contulisse videatur:

NOS PRÆLATI et clerus Cantuariensis provinciæ, in hac sacrâ sinodo provinciali sive prælatorum et cleri ejusdem convocatione, in ecclesiâ cathedrali Divi Pauli Londoniæ, vicesimo die mensis Aprilis anno Domini millesimo quingentesimo vicesimo tertio inchoatâ, ac usque ad et in decimum quartum diem mensis Augusti proxime extunc sequentis de diebus in dies continuatâ, congregati, illustrissimo domino regi perpetuo et potentissimo fidei et ecclesiæ defensori, subsidium dare et concedere decrevimus, quam nostram benevolentiam ut gratam et acceptam habeat humillime deprecamur, protestantes expresse, quod per præsentem concessionem, quam tamquam novam et ante insolitam pro nostrâ singulari et personali in regiam majestatem observantiâ sine exemplo donamus, omnino nolumus ecclesiæ Anglicanæ aut successoribus nostris in aliquo præjudicium generari, nec casum hunc singularem ad sequentes trahi: Quod si præsentem concessionem pro exemplo et (ut vocant) pro præsidente ad similes unquam concessiones exigendas accipiendam fore præsentiremus, certe in eam omnino consentire recusassemus. Quod quidem subsidium sub modis, formis, conditionibus, exceptionibus ac provisionibus, et protestatione super et infra scriptis, et non aliter, neque alio modo, damus et concedimus, videlicet subsidium se extendens ad medietatem sive mediam partem valoris omnium fructuum, reddituum, et proventuum, possessionum, unius anni, omnium et singulorum episcopatuum, ecclesiarum cathedralium et collegiatarum, dignitatum, hospitalium, monasteriorum, abbatiarum, prioratuum aliarumque domorum religiosarum, necnon quorumcunque beneficiorum et possessionum ecclesiasticarum, &c.

Number VI. [p. 32.]

Bishop Tunstall's licence to sir Thomas More for reading heretical books.

CUTHBERTUS permissione divinâ Londoniensis episcopus clarissimo et egregio viro domino Thomæ More fratri et amico charissimo salutem in Domino et benedictionem. Regist. Tunst. fol. cxxxviii.

Quia nuper, postquam ecclesia Dei per Germaniam ab hæreticis infestata est, juncti sunt nonnulli iniquitatis filii, qui veterem et dampnatam hæresim Wyclefianam et Lutherianam, etiam hæresis Wiclefianæ alumni transferendis in nostratem vernaculam linguam corruptissimis quibuscunque eorum opusculis, atque illis ipsis magnâ copiâ impressis, in hanc nostram regionem inducere conantur; quam sane pestilentissimis dogmatibus catholicæ fidei veritati repugnantibus maculare atque inficere magnis conatibus moliuntur: Magnopere igitur verendum est ne catholica veritas in totum periclitetur, nisi boni et 9 eruditi viri malignitati tam perditorum hominum strenue occurrant; id quod nullâ ratione melius et aptius fieri poterit, quam si in linguâ catholicâ veritas in totum expugnans hæc insana dogmata, simul etiam ipsissima prodeat in lucem. Quo fiet ut sacrarum literarum imperiti homines in manus sumentes novos istos hæreticos libros, atque una etiam catholicos ipsos refellentes, vel ipsi per se verum discernere, vel ab aliis quorum perspicacius est judicium recte admoneri et doceri possint. Et quia tu, frater charissime, in linguâ nostrâ vernaculâ, sicut etiam in Latinâ, Demosthenem quendam præstare potes, et catholicæ veritatis assertor acerrimus in omni congressu esse soles, melius subcisivas horas, si quas tuis occupationibus suffurari potes, collocare nunquam poteris, quam in nostrate linguâ aliqua edas quæ simplicibus et ideotis hominibus subdolam hæreticorum malignitatem aperiant, ac contra tam impios ecclesiæ supplantatores reddant eos instructiores: habes ad id exemplum quod imiteris præclarissimum, illustrissimi domini nostri regis Henrici octavi, qui sacramenta ecclesiæ contra Lutherum totis viribus ea subvertentem asserere aggressus, immortale nomen defensoris ecclesiæ in omne ævum promeruit. Et ne Andabatarum more cum ejusmodi larvis

lucteris, ignorans ipse quod oppugnes, mitto ad te insanas in nostrate linguâ istorum nænias, atque una etiam nonnullos Lutheri libros ex quibus hæc opinionum monstra prodierunt. Quibus abs te diligenter perlectis, facilius intelligas quibus latibulis tortuosi serpentes sese condant, quibusque anfractibus elabi deprehensi studeant. Magni enim ad victoriam momenti est hostium consilia explorata habere, et quid sentiant quove tendant penitus nôsse: nam si convellere pares quæ isti non sensisse dicent, in totum perdas operam. Macte igitur virtute; tam sanctum opus aggredere, quo et Dei ecclesiæ prosis, et tibi immortale nomen atque æternam in cœlis gloriam pares: quod ut facias atque Dei ecclesiam tuo patrocinio juves magnopere in Domino obsecramus, atque ad illum finem ejusmodi libros et retinendi et legendi facultatem atque licentiam impertimur et concedimus.

Datum septimo die Martii, anno Domini millesimo quingentesimo, vicesimo septimo, et nostræ consecrationis sexto.

AD LIBRUM SECUNDUM.

Number I. [p. 35.]

The bull for the king's marriage with queen Catharine.

JULIUS EPISCOPUS servus servorum Dei, dilecto filio Henrico carissimi in Christo filii nostri Henrici Regis Angliæ illustris nato, et dilectæ in Christo filiæ Catherinæ carissimi in Christo filii nostri Ferdinandi regis, et carissimæ in Christo filiæ nostræ Elisabethæ reginæ Hispaniarum et Siciliæ catholicorum natæ, illustribus, salutem et apostolicam benedictionem. Cotton lib. Vitell. B. xii. fol. 134. [ap. Rymer, xiii. p. 89. Ex Origine.]

Romani pontificis præcellens auctoritas concessâ sibi desuper utitur potestate, prout personarum, negotiorum et temporum qualitate pensatâ, id in Domino conspicit salubriter expedire.

Oblatæ nobis nuper pro parte vestrâ petitionis series continebat, quod cum alias tu filia Catherina et tunc in humanis agens quondam Arthurus carissimi in Christo filii nostri Henrici Angliæ regis illustris primogenitus, pro conservandis pacis et amicitiæ nexibus et fœderibus inter carissimum in Christo filium nostrum Ferdinandum, et carissimam in Christo filiam nostram Elisabetham Ispaniarum et Siciliæ catholicos, ac præfatum Angliæ regem et reginam, matrimonium per verba legitime de præsenti contraxissetis, illudque carnali copulâ forsan consummavissetis, dictus Arthurus prole ex hujusmodi matrimonio non susceptâ decessit;

Cum autem, sicut eadem petitio subjungebat, ad hoc ut hujusmodi vinculum pacis et amicitiæ inter præfatos reges et reginam diutius permaneat, cupiatis matrimonium inter vos per verba legitime de præsenti contrahere, supplicari nobis fecistis, ut vobis in præmissis de oportunæ dispensationis gratiâ providere de benignitate apostolicâ dignaremur;

Nos igitur, qui inter singulos Christi fideles, præsertim

catholicos reges et principes, pacis et concordiæ amœnitatem vigere intensis desideriis affectamus, vosque et quemlibet vestrûm a quibuscunque excommunicationis, suspensionis et interdicti aliisque ecclesiasticis sententiis, censuris, et pœnis, à jure vel ab homine, quâvis occasione vel causâ latis, si quibus quomodolibet innodati existitis, ad effectum præsentium duntaxat consequendum, harum serie absolventes, et absolutos fore censentes hujusmodi supplicationibus inclinati, vobiscum, ut impedimento affinitatis hujusmodi ex præmissis proveniente, ac constitutionibus et ordinationibus apostolicis cæterisque contrariis nequaquam obstantibus, matrimonium per verba legitime de præsenti inter vos contrahere, et in eo postquam contractum fuerit, etiam si jam forsan hactenus de facto publice vel clandestine contraxeritis ac illud carnali copulâ consummaveritis, licite remanere valeatis, auctoritate apostolicâ, tenore præsentium de specialis dono gratiæ dispensamus ;

Ac vos et quemlibet vestrûm si contraxeritis (ut præfertur) ab excessu hujusmodi, ac excommunicationis sententiâ quam propterea incurristis, eâdem auctoritate absolvimus ;

Prolem ex hujusmodi matrimonio, sive contracto, sive contrahendo, susceptam forsan vel suscipiendam legitimam decernendo ;

Proviso quod tu (filia Catherina) propter hoc rapta non fueris ;

Volumus autem quod si hujusmodi matrimonium de facto contraxistis, confessor, per vos et quemlibet vestrûm eligendus, pœnitentiam salutarem propterea vobis injungat, quam adimplere teneamini.

Nulli ergo omnino hominum liceat hanc paginam nostræ absolutionis, dispensationis et voluntatis infringere, vel ei ausu temerario contra ire; si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei ac beatorum Petri et Pauli apostolorum ejus se noverit incursurum.

Dat. Romæ apud Sanctum Petrum, anno incarnationis Dominicæ millesimo quingentesimo tertio, septimo kal. Januarii, pontificatûs nostri anno primo.

SIGISMUNDUS
D. De COMITIBUS.

[*Sub plumbeo sigillo pendente a filis sericis flavi rubeique coloris.*]

Number II. [p. 36[3].]

The king's protestation against the marriage.

IN Dei nomine, Amen.

CORAM vobis reverendo in Christo patre et domino, domino Richardo Dei et apostolicæ sedis gratiâ episcopo Wintoniensi, ego Henricus Walliæ princeps, dux Cornubiæ et comes Cestriæ, dico, allego, et in his scriptis propono, Cotton lib. Vitell. B. xii. [ap. Herbert, p. 377.]

Quod licet ego minorem ætatem agens, et intra annos pubertatis notorie existens, cum serenissimâ dominâ Catharinâ Hispaniarum regis filiâ, matrimonium de facto contraxerim, qui quidem contractus, quamvis obstante ipsâ minore ætate meâ de se jam invalidus, imperfectus, nullius efficaciæ aut vigoris extiterit: quia tamen annis pubertatis et maturâ ætate jam supervenientibus, contractus ipse per tacitum consensum, mutuam cohabitationem, munerum aut intersignium dationem seu
11 receptionem, vel alium quemcunque modum jure declaratum, forsan existimari seu videri poterit apparenter validatus aut confirmatus;

Ea-propter, Ego Henricus Walliæ princeps prædictus, jam proximus pubertati existens, et annos pubertatis attingens,

Protestor, quod non intendo eundem prætensum contractum per quæcunque per me dicta seu dicenda, facta aut facienda, in aliquo approbare, validare, seu ratum habere, sed nunc in præsenti, non vi, dolo, nec prece inductus, sed sponte et libere, nullo modo coactus, contra hujusmodi contractum reclamo, et eidem dissentio, voloque et omnino intendo ab eodem contractu matrimoniali prætenso, melioribus modo et formâ, quibus de jure melius, validius, aut efficacius potero vel possim, penitus resilire, et eidem expresse dissentire, prout in præsenti contra eundem reclamo, et eidem dissentio.

Protestorque quod per nullum dictum, factum, actum, aut gestum per me, aut nomine meo per alium quemcumque, quandocumque aut qualitercumque, imposterum faciendum, agendum,

[3] [The editor has been unable to find this document amongst the Cotton MSS. to which reference is given by the author. It has been corrected from Herbert, from which it is not unlikely that it was printed in the folio editions with several errors of press. It also appears in Collier's Ecclesiastical History with the same reference.]

gerendum, aut explicandum, volo aut intendo in præfatum contractum matrimonialem, aut in dictam dominam Catharinam tanquam sponsam aut uxorem meam consentire. Super quibus vos omnes testimonium perhibere volo, requiro, rogo, atque obtestor.

Per me Henricum Walliæ principem.

LECTA fuit et facta suprascripta protestatio, per præfatum serenissimum principem dominum Henricum, coram reverendo in Christo patre et domino, domino Richardo, permissione divinâ Wintoniensi episcopo, judicialiter pro tribunali sedente, et me notarium infra scriptum ad tunc præsentem in ejus actorum scribam in hac parte assumente, et testium infra scriptorum præsentiis, anno Domini millesimo quingentesimo quinto, indictione octavâ, pontificatûs sanctissimi in Christo patris et domini nostri Julii, divinâ providentiâ eo nomine papæ secundi, anno secundo, mensis vero Junii die vicesimo septimo; quo die dominus serenissimus princeps proximus pubertati, et annos pubertatis attingens erat, ut tunc ibidem asserebat, in quâdam bassâ camerâ infra palatium regium Richemondiæ, in parte occidentali ejusdem palatii situatâ. Super quibus omnibus et singulis, præfatus serenissimus princeps me notarium præmemoratum instrumentum conficere, et testes infra nominatos testimonium perhibere requisivit instanter et rogavit.

In quorum omnium et singulorum fidem et testimonium, præfatus serenissimus princeps supra, et testes, ut præmittitur, rogati et requisiti, sua nomina propriis manibus infra scripserunt. Ita est ut supra, quod ego Joannes Read manu et signo meo manuali attestor.

Giles Daubney.
C. Sommerset.
Thomas Rowthale.
Nicholas West.
Henry Marny.

12 Number III. [p. 45.]

Cardinal Wolsey's first letter to sir Gregory Cassali, about the divorce. Taken from the original.

DOMINE Gregori, &c. Post meam cordatissimam commendationem, post ultimum vestrum a me discessum ex compendio ad vos scripsi, ut ob nonnullas maximi momenti causas, procurare differretis quod de regiæ majestatis negocio in quibusdam vobis traditis commissionibus continebatur, quoad rursus vobis significarem quid eâ in re fieri vellemus. Ubi vero ad regiam majestatem rediissem, variis crebrisque cum eâ habitis sermonibus, adeo abunde ac distincte ipsi aperui quam ex animo ac diligenter, et quam sincere et ex fide, diu noctuque exoptetis eidem regiæ majestati inservire; neque ullum unquam laborem, periculum, aut molestiam vos velle recusare, ut omni studio ac viribus id fideliter præstare possitis quod illi gratum aut acceptum quoquo modo esse posse cognoveritis, omnemque industriam vos esse adhibituros quo vestræ fidei curæque commissa optatum finem consequantur; quem vestrum animum propensissimamque voluntatem sic sub meâ fide regiæ majestati insinuavi, ut meam hanc relationem atque sponsionem pectori suo constantissime adfixerit, certissimamque fiduciam concepit, omnino futurum ut nostræ tunc expectationi quâcunque in re et occasione respondeatis: Ex quo fit ut vestræ operæ, curæ, atque prudentiæ ea nunc tractanda et procuranda committat. quibus nihil magis cordi habeat, nihil ardentius exoptet, aut majoris sit momenti vel gravioris successûs, nec ullum habet consiliarium, utcunque intimum, cui graviora possit committere. Cotton lib. Vitell. B. ix. [fol. 189.]

Quum itaque, me intercedente et procurante, nunc vos regia majestas præ cæteris ad hoc fidei adsciverit et elegerit, ut in re tam gravi, fidelissimâ vestrâ operâ ac ministerio utatur, fidemque illi meam de vobis jam ei adstrinxerim, nihil ambigens quin postquam ejus animum ac voluntatem cognoveritis, fueritisque abunde instructus quam maximi hæc quæ nunc expono sint momenti, utpote quæ potissimum concernunt regiæ conscientiæ exonerationem, animæ suæ salutem, vitæ conservationem et incolumitatem, regii stemmatis continuationem, publicumque commodum et quietem subditorum omnium, eorum pariter qui

sub ejus imperio nunc vivunt vel qui posthac unquam in hoc suo regno vivent; quumque perspiciam sedulum vestrum ministerium hoc in negocio impendendum omnino redundaturum esse in præcipuam vestram exaltationem et utilitatem, postque infœlices istos jam passos successus occasionem se obtulisse, quâ vestra familia hujusmodi operam huic serenissimo principi navare possit, quod statum omnem vestrum in longe meliorem quam antea sit haud dubie restituturus et adaucturus, certissimum compertissimumque habeo, quod ob has tam urgentes causas et tam graves successuros effectus, adeo toto pectore vires omnes vestras, industriam ac studium tantæ conficiendæ rei addicetis, ut omnia queatis ad optatum exitum perducere; atque ita promissum fidemque meam præstabitis, tam optimum regiæ majestatis institutum juvabitis, ejus desiderio et expectationi omni ex parte satisfacietis, et præter bene peractæ rei honorem et
[fol. 190.] laudem comparandam, mercedem quoque reportabitis tanti principis liberalitate dignam, quæ certissime cedet in perpetuum vestrum totiusque vestræ familiæ commodum et incrementum: Et quum jam mihi persuadeam futurum omnino ut officiis 13
actionibusque vestris, sitis promissis sponsionibusque meis omnino satisfacturi, ad id pluribus verbis neutiquam adhortabor, proinde ad rem nunc ipsam venio.

Ante hoc tempus vobis aperui, quemadmodum regia majestas, partim assiduo suo studio et eruditione, partim relatu ac judicio multorum theologorum, et in omni doctrinæ genere doctorum virorum asseveratione, existimans conscientiam suam non esse sufficienter exoneratam, quod in conjugio existeret cum reginâ, Deique primo et ante omnia ac animæ suæ quietem et salutem respiciens, mox vero suæ successionis securitatem, perpendensque accurate quam gravia hinc mala provenirent, aperte sentit quam maxime futurum sit Deo molestum, inhonorificum sibi, et ingratum apud homines, suisque subditis periculosum, ex hoc non sufficienti conjugio, si deprehendatur dicta majestas sciens ac volens in eo perstare, et vivere præter modum debitum, juxtaque ritum et legitima ecclesiæ statuta: quibus igitur ex causis longo jam tempore, intimo suæ conscientiæ remorsu, summique Dei rationem habens, existimat animam suam læsam et offensam, adeo quod, quum in suis conatibus actionibusque quibuscunque, Deum potissimum sibi semper proponat, ingenti cum molestiâ cordisque perturbatione in hoc matrimonio degit:

super quâ re maturum sanumque judicium consuluit clarissimorum celeberrimorumque doctorum aliorumque complurium in omni eruditionis genere excellentium virorum ac prælatorum, partim theologorum, partim jurisperitorum, tum in suo regno, tum alibi existentium, ut aperte vereque cognosceret, an dispensatio antea concessa pro se et reginâ, ex eo quod regina fratris sui uterini uxor antea extiterit, valida et sufficiens foret, necne; demumque a variis multisque ex his doctoribus asseritur, quod papa non potest dispensare in primo gradu affinitatis, tanquam ex jure divino, moraliter, naturaliterque prohibito, ac si potest, omnes affirmant et consentiunt quod hoc non potest, nisi ex urgentissimis et arduis causis, quales non subfuerunt;

Bulla præterea dispensationis fundatur et concessa est sub quibusdam rationibus falso suggestis et enarratis, in eâ namque asseritur, quod hæc regia majestas matrimonium hoc cum reginâ percupiebat, pro bono pacis inter Henricum septimum, Ferdinandum, et Elizabetham, quum re verâ nulla tunc dissensio aut belli suspicio esset inter dictos principes, vel regiam majestatem prædictam, quæ in teneris adhuc annis, nec in discretione aut judicio constitutis agebat; nunquam deinde assensit, aut quicquam cognovit de hujusmodi bullæ impetratione, nec unquam hoc matrimonium optavit, aut aliquid de eo accepit ante bullæ impetrationem. Quocirca ab his omnibus doctoribus atque prælatis judicatur hujusmodi dispensationem non adeo validam et idoneam esse ac efficacem, ut prædictum matrimonium [fol. 191.] manifeste justum legitimumque sit; sed potius quod multa possunt objici, magnis probabilibusque fundata et corroborata rationibus, in non leve periculum regiæ prolis, totiusque regni ac subditorum gravem perturbationem. Ad hæc postquam regia majestas, quæ Walliæ princeps tunc erat, decimum quartum annum attigisset, contractûs revocatio subsequuta est, rege patre expresse nolente quod hujusmodi matrimonium ullo pacto sortiretur effectum. His causis rex hic serenissimus, tanquam bonus et catholicus princeps, timens ne ob tam diuturnam cum reginâ continuationem, indignatus et iratus Deus citius ex humanis evocaverit masculam e reginâ susceptam
14 prolem, graviusque a Deo supplicium expavescit, si in matrimonio hoc non legitimo perseveraverit; ex hâc ideo occasione, intimis præcordiis hunc conscientiæ scrupulum concepit, in animo nihilominus habens, pro animi conscientiæque suæ quiete

et salute, prolisque securitate, ad sanctam Domini nostri sedemque apostolicam confugere, tantæ rei remedium impetraturus, confidens, quod ob complura sua erga eam merita et officia tum calamo ingeniique viribus, tum armis præstita, subsidia in ecclesiæ calamitatibus prompte subministrata, sanctissimus Dominus noster non gravabitur suâ benignitate, authoritate ac facultate, intimum hunc regiæ majestatis cordi inhærentem dolorem amovere, eumque modum ac rationem inire quâ regia majestas prædicta uxorem aliam ducere, et, Deo volente, masculam prolem in suæ successionis securitatem queat ex eâ suscipere, et tam certam quietem in suo regno constituere: Quumque ejus sanctitas ab his nunc captiva detineatur, qui pro virili suâ forsan conabuntur impedire, turbareque hoc regiæ majestatis desiderium et statutum, ipsa propterea cogitur vias omnes excogitare, quibus dicta sanctitas de hâc re dexterius et commodius, instrui, et facilius adduci queat ad ea concedenda, quorum medio et vigore regiæ majestatis animus et desiderium queat optatum sortiri effectum:

Proinde ipsa regia majestas de fide, industriâ, dexteritate, prudentiâque vestrâ plenissime confidens, vult ut statim his literis acceptis, rebus aliis omnibus quibuscunque ab eâ vel a quovis alio vobis commissis omnino posthabitis, vias modosque omnes possibiles excogitetis quibus potestis secretissime, mutato habitu et tanquam alicujus minister, vel tanquam commissionem habens a duce Ferrariæ pro nonnullis inter pontificem et eum componendis controversiis, vel aliâ quâ licuerit securiori viâ, ad pontificis præsentiam et colloquium accedendi, omnibus arbitris semotis, si fieri possit, pro vestris obeundis mandatis; quorum obtinendorum gratiâ, si ita expedire judicaveritis, eam mercedem ac pecuniarum summam promittetis ac tradetis, his qui re verâ volent atque poterunt hoc negocium ad effectum pertrahere, quam summam, et ejus
[fol. 192.] limitationem, judicio, prudentiæque vestræ integram regia majestas remittit; etiam si his danda foret qui pontificem asservant, vel cuicunque alii qui vos tuto ad secretum cum suâ sanctitate sermonem adducere, in locumque tutum reducere posset: Cujus rei gratiâ, aliisque ad hunc finem consequendum sustinendis oneribus necessariis, pecuniæ ad summam decem mille ducatorum, per mensarios Venetias transmittentur, quæ illic in promptu aderunt, persolvendæ et consignandæ protho-

notario fratri vestro, regio illic existenti oratori; per eumque de tempore in tempus ad vos transmitti ea summa poterit quæ huic obtinendo negocio conducere posse existimaveritis, nihilque ambigo quin dictam pecuniam fideliter collocetis, ex regiæ majestatis utilitate, expectatione, atque sententiâ. Atque ubi ad sanctissimum dominum nostrum accesseritis, post filiales et cordatissimas regiæ majestatis measque devotas et humillimas commendationes, et post exhibitas a rege credentiæ literas, in quibus in negotii adjumentum clausula vehemens est propriâ ejus manu conscripta, ut ex earum exemplo cognoscetis, ejus sanctitati exponetis quam grave, molestumque regiæ majestati et mihi sit audire infœlicissimos eventus calamitatemque miserandam, in quâ nunc ejus sanctitas cum reverendissimis cardinalibus versatur, cum gravissimo detrimento irreparabilique sedis apostolicæ illiusque patrimonii jacturâ, ad quæ mala sublevanda et corrigenda nullum in regiâ majestate officium desiderabitur, quod ab ullo erga sanctissimum dominum nostrum vel sedem apostolicam observantissimo principe queat excogitari; in eoque omne meum ministerium ac studium non minus promptum aderit, quam si ex eâ re solum possem mihi cœlum comparare; quemadmodum experientia, aliquâ in parte, jam docuit, et Deo duce posthac uberius comprobabit: quam rem copiosius optimisque verbis agetis, præsertim, quum sciatis quanto et quam syncero affectu regia majestas ejus sanctitatem prosequatur, et quanta mea sit in ipsam devotio, in hisque sermonibus insistetis prout loci, temporis, negociique ratio videbitur judicio vestro postulare.

Secundo, sanctissimo domino nostro solitâ vestrâ dexteritate aperietis id quod in his ipsis literis ad vos scripsi concernens hujus matrimonii insufficientiam, ab hisque rationibus et causis fundamentum capietis, quæ superius enarrantur, integrumque discursum ejus sanctitati declarabitis, non omittentes intrinsecum dolorem, conscientiæ scrupulum, Dei rationem, masculæ prolis respectum, hujus regni bonum, et alia omnia ut superius scripta sunt: addentes insuper, nihil vehementius optari a totâ regni nobilitate, subditisque omnibus nullo discrimine, quam e regiæ majestatis corpore masculum hæredem a Deo sibi dari, in perpetuam consolationem, gaudium, quietem, ac totius regni securitatem, posteritatisque firmissimum columen; prudentiorumque opinionem esse, quod Deus omnipotens à tanto bono concedendo [fol. 193.]

divinam suam manum subtrahit, ob errorem, culpamque in dicto matrimonio hactenus admissam, quæ nisi mature corrigatur, graviora ex hâc occasione in hoc regno mala succedent, quam antea unquam fuerint audita: etenim si hoc negocium in suspenso et indiscussum relinqueretur, hujusmodi possent quæstiones, controversiæ et contentiones ac factiones post defunctum regem exoriri, ob regni hæreditatem, quæ non possent in multorum ævo restingui, ut antea olim ex causâ longe leviori accidit, neque ex re tam ambiguâ, tam sævæ olim depopulationes, bella, intestinæque controversiæ exortæ, et ad multum tempus continuatæ sunt, in extremum et ferme ultimum regni excidium; quæ quum tam gravia sint, sanctissimus dominus noster veluti pater et gubernator Christianitatis prospicere ex officio debet, et quibuscunque modis potest, pro viribus adniti et conari, ut hæc regna ac dominia quæ nunc supersunt in fide et obedientiâ ecclesiæ assidue contineat, inter quæ, Deo sit laus, hoc regnum haud recensendum est inter minima, sed tanquam illud quod hactenus juvavit, et posthac pro tuto præsidio semper haberi poterit, adversus ea quæ cedere possent in ecclesiæ catholicæ vel sanctæ fidei detrimentum.

Tercio, sanctissimo domino nostro proponetis præsentem ecclesiæ statum, rogabitisque ut in mentem velit redigere, quo nunc in statu suæ sanctitatis res cum Christianis principibus versentur, cumque privatæ contentiones, quæ illi sunt cum magnâ eorum principum parte, additâ etiam ambitione immoderatoque regum appetitu et ex arbitrio suo, temporale jus omne atque spirituale tractandi, ecclesiasticamque jurisdictionem et authoritatem invertendi, eo certe animo ut sedis apostolicæ dignitatem extinguant; his omnibus in unum connexis ac bene consideratis, ejus sanctitas manifeste cognoscet, principem nullum, neque portum, aut refugium tam tutum, cui in omnem eventum queat inhærere, sibi relictum esse, quam hæc regia majestas est quæ nihil sibi vendicat, nil ambit, quod præjudicio esse possit dictæ sanctitati, sed ejus, apostolicæque sedis, semper 16
fuit, est, esseque decrevit firmissimum scutum, tutissimumque propugnaculum, ita suas actiones cum cæteris principibus firmans et connectens, ut semper ex eâ occasione in suam hanc optimam sententiam reliquos possit attrahere, adeo quod regi tam optime in sanctissimum dominum nostrum affecto nihil denegari debeat, utcumque maximum quod possit ab ejus

sanctitate præstari ordinariâ vel absolutâ suâ authoritate; nam proculdubio, post vias modosque omnes tentatos, omnino perspicietur omnia alia amicitiæ officia, si huic quod petitur comparentur, esse perquam exigua, et hoc amicum officium hujusmodi futurum, ex quo reliqua queant incrementum capere, sine eo futura alioquin parvi ac nullius fere momenti.

Tertio, Probe notandum est, quod res nunc aperta et petita, a regiâque majestate tantopere optata, ex tam magno conscientiæ scrupulo, cordisque remorsu oritur, ut unicuique[3], [fol. 194.] quantumcunque minora quam regia majestas sit, de sanctissimo domino nostro, merito. Quocirca judicat, et pro re compertâ sibi persuadet, quod si ulla meritorum vel officiorum ratio habeatur, nunc ipsius sanctitas huic suo desiderio et petitioni benignissime liberrimeque adjuvet, nullo prorsus dubio, difficultate, contradictione, aut morâ injectâ. Negociumque hujusmodi est, ut cognitâ dispensationis insufficientiâ, quamvis id non requisivisset rex, ultro proponi offerrique debuisset ab eâdem sanctitate tanquam a patre spirituali, in ejus salutis et conscientiæ beneficium.

In gratiam igitur et contemplationem præmissorum omnium instantissime vehementissimeque a sanctissimo domino nostro requiretis et contendetis, ut dubio, metuque omni seposito respicere velit ad causæ statum, et ad ea quæ subsequutura videantur, rationemque habere infinitorum commodorum, quæ ex hâc re suæ sanctitati apostolicæque sedi inde provenient, rem hanc statim, absque temporis tractu, et causæ circumstantiâ, nemini eam aperiens, libere concedere et indulgere, nullique communicatâ, specialem commissionem ad hunc effectum et finem confectam in formâ brevis concedere, et ad me dirigere, facultatem addens, ut mihi liceat quoscunque voluero ad me vocare, mihique asciscere ad procedendum in hâc causâ, et inquirendum de dictæ bullæ ac dispensationis sufficientiâ, juxta formam ac tenorem expressum in quodam libello hujus rei gratiâ confecto; quem cum his ad vos mitto, sic in debitâ formâ conscriptum et digestum ut non sit futurum opus quo denuo ab ullo alio exscribatur, si forsan periculosum putaretur eam rem cuiquam patefacere, vel in dubium aut dilationem protractum iri negotium, si ulli ex sanctissimi domini nostri offi-

[3] [Some word is wanting here to complete the sentence. The original edition without any authority supplied *debita sit*.]

ciariis committeretur rursus conscribendus; sed quod in hujusmodi periculi eventum possit ejus sanctitas sine ullo discrimine vel alicujus cognitione eam dicto libello signaturam, sigillumque apponere, ut aperte inde constet, pontificis meram voluntatem sic esse, illiusque signaturæ ac sigilli vigore, legitime et sufficienter possim ego procedere ad inquisitionem de dictæ dispensationis insufficientiâ, cognitionem et aliarum causarum et rationum, quæ adduci possint pro dicti matrimonii invaliditate.

Item cum his ad vos mitto dispensationem in debitâ formâ confectam et scriptam in modum brevis, secreto impetrandam et expediendam eidem signaturam vel sigillum apponendo, vel alio quovis modo valido. Et quamvis ex hâc re multa pendeant, ob quæ ista requiruntur, et quæ, Deo favente, neutiquam 17
timenda sunt; Attamen regia majestas exemplo innitens, et recordationi complurium rerum, quæ olim præteritis temporibus fuerunt injuste asserta, vel adducta, in animo habens causas suas omnes absque ullâ controversiâ aut difficultate ad perfectum finem perducere, et ne ullo quovis prætextu, argumento
[fol. 195.] aut colore, postmodum emergente perturbarentur, hoc a sanctissimo domino nostro requirit, veluti rem necessariam, quâ nullo pacto carere queat; firmiter confidens, quod sanctitas sua, benigne atque amanter isti ejus desiderio assentiet, et concedet sine ullo obstaculo dictam commissionem, juxta formam quam regia majestas petit, et eodem tempore, atque hæc omnia ita benigne ac liberaliter expedire, secretiori et validiori quo fieri possit modo, quo optatus finis subsequi possit in eum effectum, laudabileque propositum, de quo superius dictum est; Quâ ex occasione sanctissimus dominus noster in perpetuum sibi adstringet, indissolubilique amicitiæ vinculo hanc regiam majestatem sibi alligabit, quæ nulli labori, periculo, opibus, regno, subditis, nec ipsi sanguini parcens, ab ejus sanctitate nunquam divelletur aut eam deseret, sed totis suis viribus constantissime semper illi adhærebit, tum in suæ sanctitatis et cardinalium liberationem, tum in hostibus persequendis; ad quem finem, magnam jam pecuniarum summam ad regem Christianissimum misit, pro illo Italiæ exercitu continuando, et præter id in animo statutum habet, quod nisi Cæsar de dictâ sanctitate liberandâ consentire, et ad pacem devenire voluerit, bellum gerere adversus has inferiores Cæsaris regiones et dominia, quo vehementius urgeat sanctissimi domini nostri liberationem,

ecclesiæque in pristinam suam dignitatem et authoritatem restitutionem, eaque de se indicia exhibebit ut universo orbi manifestum sit futurum, dictam suam majestatem esse solidum perfectum amicum, filium obsequentissimum et ejus devotissimum; a quâ pectoris sui sententiâ, nullo thesauro, nullis opibus, nullis regnis, seu ditionibus, vel occasione quâcunque unquam abducetur, sed ex filiali suâ observantiâ et in Christianam religionem zelo, innatoque erga sedem apostolicam studio et præcipuo quodam affectu, quem sanctissimo domino nostro gerit: in compensationem quoque gratitudinis, quam tam avide in hoc suo negocio ab ejus sanctitate expectat, decretum prorsus habet in constantissimo hoc et indissolubili amicitiæ et conjunctionis vinculo syncerissime perstare, id quod dicta regia majestas sanctissimum dominum nostrum vehementissime rogat, ut probe velit in omnem partem librare, vicissimque efficere, ut ex regiæ petitionis indulgentiâ palam constet parem benevolentiam et humanitatem a sanctissimo domino nostro ex mutuo præstari.

Hæc autem causa ipsius sanctitati a vobis, ut dictum est, exposita et declarata, neutiquam dubitandum est, quin benevole atque libenter statim adnuat regiæ majestatis expectationi et quod huic assentiet, dictam commissionem secreto modo ipsa concedens, neminem de eâ re, ut dictum est, participem faciens; qui modus servandus est, si videritis hæc effici non posse, nisi cum periculo hæc res eis communicetur, qui eam sint interturbaturi, vel si id præstare fuerit in sanctissimi domini nostri [fol. 196.] arbitrio, tunc ejus sanctitas non gravetur, per brevia, vel per bullas, prout validius et magis sufficiens fore judicaverit, præmissa omnia concedere, ad quod vestram omnem industriam, prudentiam, studium, diligentiamque adhibebitis: Sic omnia
18 prudenter ac circumspecte agentes, ne in discrimen deveniatur negocium hoc his detegendi, qui illud vel impedire vel retardare forsan voluerint aut poterint, sed potius quam ad id periculi res deducatur contenti eritis solâ dictorum libellorum signaturâ, in eam formam confectâ, quum ex eâ palam constet, pontificis assensum in id actualiter concurrisse, qui postea recentioribus scriptis, si ita opus fuerit, firmius confirmari corroborarique poterit.

Et quoniam incertum est, utrum ante vestrum ad pontificem accessum, ejus sanctitas fuerit in suam libertatem restituta,

necne, quæ forsan libera non tanti faciet regiæ majestatis amicitiam et conjunctionem, vel allegabit, se nec audere nec posse, ex suis cum Cæsare conventionibus ista concedere, nec secreto ullo modo, vel ullo colore, quod eâ in re fecisset apud Cæsarem justificari, ut potuisset antea in regiæ majestatis auxilio pro suâ liberatione sperans, dum adhuc detineretur captivus; eo casu sanctissimo domino nostro in mentem redigetis, quam parum fidere possit ullis sibi factis a Cæsare promissis, quum nullâ in parte redundare possit in commodum aut securitatem, sed solum in extremum excidium ac detrimentum sedis apostolicæ; et licet ad breve tempus multa videretur Cæsar in ejus sanctitatis gratiam facturus, compertissimum tamen semper pontifici esse debet Cæsarianos ea facere, semperque facturos, quæ Cæsarem possint exaltare, et tendant ad usurpationem potius, et depressionem status ecclesiastici, quam ad ejus continuationem, vel conservationem; et quotiens adversus ecclesiam ista tentarentur, regia majestas in hâc suâ petitione, passa repulsam, quæ alioquin ejus sanctitati in omnem eventum firmissime adhæsisset, et alios suos confœderatos in eandem sententiam pertraxisset, qui, eâ deficiente, in contrarium facile possent allici, quo animo futura sit, et quam bene suum affectum et observantiam collocâsse existimatura: summæ est prudentiæ omnia considerare.

Haud incognitum præterea est sanctissimum dominum nostrum ad Cæsaris instantiam, quum non multam ab ejus sanctitate gratiam promeritus esset, ei concessisse dispensationem et absolutionem a jurejurando ab illo præstito, deducendâ in conjugem dominâ principissâ, nullo ut par fuisset a regiâ majestate habito, seu petito consensu, non obstante quod Cæsar in validissimâ formâ, non solum præstito jurejurando, sed cautione et ecclesiasticarum censurarum et pœnarum adhibitâ, quod adstringeretur de dicto matrimonio perimplendo, ac si pontifex contentus esse potuit, tantam ei ostendere gratitudinem, qui veluti hostis indies certior tunc poterat haberi, et qui majora petebat quam juste posset optare, suis petitionibus, regiâ
[fol. 197.] majestate inconsultâ, neutiquam parcens, quanto propensius ejus sanctitas adnuere debet ejus principis voto, cujus fidem et observantiam vere filialem sæpe experta est. Verum tamen si sanctissimus dominus noster difficulter visus fuerit posse adduci, ut in meam personam dictæ commissioni assentiat, allegans

quod non sum indifferens, cui ex suæ sanctitatis honore hoc negocium committi possit, cum regiæ majestati sim subditus et intimus consiliarius, tunc tamdiu persistetis eâ in re, quoad vobis visum fuerit conveniens, negocii expeditionem non ideo protrahentes, aut differentes, sed instantes ut hujusmodi commissio concedatur; affirmabitisque me pro re nullâ quantumlibet grandi, nullo favore, aut commodo, quicquam effecturum esse, quod aversetur officio meo, et erga Christum præstitæ professioni, neque unquam a recto, vero, justoque tramite di-
19 gressurum; Et quum cardinalis sim et apostolicæ sedis de latere legatus, ejus sanctitatis honor, integraque conscientia, a me omnino conservaretur, ex hujusmodique concessâ commissione, omni ex parte exoneraretur. Tandem si ad hoc, nullis rationibus pontifex potuerit adduci, ab ejus sanctitate requiretis, ut dictam velit commissionem concedere in personam domini Staphylei decani rotæ, qui et vir indifferens est, et hujusmodi rei ob eruditionem accommodatus, nullo pacto omittentes dispensationis expeditionem, ut dictum est; et hujus rei gratiâ commissionem nunc ad vos mitto, in debitâ formâ confectam et paratam, quæ signetur ad dictum dominum Staphyleum directam, quam sanctissimo domino nostro reddetis, casu quo alia nequeat obtineri, rogabitisque ut cum dictâ dispensatione eam velit concedere. Et quoniam fieri posset quod dum fieret mentio de me excipiendo, forsitan ejus sanctitas aliquem alium quam dominum Staphyleum nominaret, ad quem commissio hujusmodi dirigeretur, hoc vero in loco tenacissime insistetis, firmiterque inhærebitis ei rei, nec in alium aliquem virum exterum ullo pacto consentientes, sed solum pro eodem domino Staphyleo instantes, ejus sanctitatem summis precibus vehementissime rogantes, et rationibus omnibus suadentes, ne alium ullum nominare velit, asserentes quod quum in instructionibus vestris non contineatur, nec de alio ullo fiat mentio, nisi me recusato, iterum atque iterum ab eâdem sanctitate petetis, ut nomine hujus auditoris rotæ hæc fiat et expediatur commissio, vos nec audere nec posse vobis præscriptos fines transgredi.

De regii vero desiderii ac petitionis frustratione super dictâ commissione obtinendâ[4] unum et idem esse, hanc illi denegare, vel alii concedere quam in vestris instructionibus con-

[4] [The word *dicetis* was inserted here in the folio edition, but though some such word is implied it does not occur in the original MS.]

tineatur, non quod regia majestas de aliorum rectitudine aut indifferentiâ quicquam suspicetur, vel quod judicet eorum aliquem affectibus obnoxium; sed quod pro re certissimâ credidit, quod sanctissimus dominus noster in neminem tam facile condescenderet, quam in dictæ rotæ decanum, ob idque de eo in instructionibus vestris mentionem fecit: sed commissiones in debitâ formâ cum his nominibus fieri et conscribi jussit, quod si
[fol. 198.] hinc credidissemus, dominum Staphyleum (jusjurandum habitum) istic iri pro suspecto, affirmare potestis me fuisse omnino missurum consimilem commissionis formulam, spacio relicto pro aliquo alio inscribendo nomine, aliquamque aliam super eâ re instructionem me daturum fuisse; et haud dubie, si de nominibus duntaxat fuerit controversia, hæ rationes facile poterunt pontificem attrahere, ut in me consentiat, vel in Staphyleum. De aliis vero neminem admittetis, nec tamen pontifici aperietis vos, ne id faciatis habere in mandatis, sed superius enarratas causas in vestram excusationem allegantes, omnino ut vobis injungitur, eâ in re insistetis.

Quod si nullis modis dictam commissionem et dispensationem impetrare poteritis, ad idque nequiverit pontifex adduci, nisi rem prius alicui ex cardinalibus vel officiariis communicaverit, in eo tunc casu, ejus sanctitati in memoriam reducite, quot et quam gravia mala ex hujus negocii propalatione possent provenire, si ex eâ occasione aliqua contrarietas vel impedimentum suboriretur, unde regiæ majestatis expectatio postmodum frustraretur; Quo igitur, si ullæ injiciantur in hâc re tractandâ difficultates, ut pontifex etiam facilior ad regium votum concedendum promptiorque reddatur, alias etiam præter has literas seorsum ad vos scripsi[5], quas una cum his accipietis, in quibus copiose aggessi, quam multas magni momenti rationes, ob quas 20
sententia judiciumque meum est, ne ullo pacto pontifex hanc petitionem regiæ majestatis deneget; quas literas, quum in eis argumentum vehemens est, nec ob prolixitatem tædiosum aut molestum quod legatur, modum aliquem ipsius sanctitati legendi invenietis; spemque certam habeo, si earum summa, tenor, atque sententia profunde perpendatur, quod satis id esse poterit ad omnem tollendam difficultatem, quæ posset obversari in dictâ commissione dispensationeque obtinendâ, in eisque

[5] [This letter bearing date December 6, 1527, is printed in the State Papers, vol. vii. p. 18.]

contenta sigillatim exponetis adeo, quod hoc negocium confici queat, arbitris aut consultoribus[6] ad id neutiquam accitis si fieri possit: si tamen pontifex speraverit se posse hæc omnia eos celare qui huic rei forsan voluerint refragari, et omnino decreverit aliquos cardinales vel officiarios istius causæ participes facere, omnem tunc industriam statim adhibebitis, ut his cognitis, eorum gratiam et favorem eâ in re vobis comparetis, partim eis respectus, et causas omnes in meis literis contentas, etiam in causæ commodum facientes, uberius exponentes, partim vero eam remunerationem illis dantes, quæ judicio vestro conveniens habebitur, dummodo optatum res sortiatur effectum. Et ut omnia queatis præstare commodius, cum his, meas literas accipietis quas ad cardinalem Sanctorum Quatuor et collegium cardinalium scribo, easque reddetis ut expedire censueritis, plane confidens nihil a vobis omissum iri, ut hâc in re eorum gratiam, atque favorem queatis obtinere, in quem eventum ea munera offeretis, quæ convenientia visa fuerint regiaque majestas quicquid ejus nomine promiseritis, id fidelissime, uberrimeque præstabit, pro quarum rerum expeditione, illis pecuniis [fol. 199.] uti poteritis per literas cambii Venetias transmissis, quo usque suffecerint[7], necessariumque vos existimaveritis rei impetrandæ. Et quum ambiguum sit an vobis licuerit hoc tempore ad pontificis præsentiam accedere, hujusmodique accessûs defectus, si aliæ rem ad bonum exitum perducendi rationes non excogitarentur, causa esse posset longioris moræ, et totius rei impedimento; proinde regia majestas, ut modos omnes experiatur, nec uni soli inhæreat, hæc eadem in mandatis dedit domino secretario, quem non procul ab urbe esse intelleximus, quemadmodum in his aliisque meis brevioribus literis continentur, ita quod alter vestrum, vel uterque si fieri possit, ad pontificis præsentiam accessum habeat, nihil tamen sub spe domini secretarii, vestræ vos diligentiæ aut industriæ omittetis, nec ille sub spe vestrâ, in re hâc modis omnibus promovendâ re-

[6] [The original edition had *consiliaribus*. The word is burnt and nearly effaced, but it is more like *consultoribus* than *consiliariis*; one of which readings must be the correct one.]

[7] [The manuscript here is much burnt; but enough remains to shew that the folio reading *quosque suffecerint*, as well as that of the octavo of 1829, *quos ut suffecerint*, is incorrect, independently of their making no sense. The reading adopted in the text seems most probable, and is intelligible.]

missior erit, sed nihil conjunctim aut divisim intentatum relinquetis. Quod si uterque vestrûm ad pontificem admittatur, alter de altero nescius, id non oberit sed multum proficiet, etiam si ante alterius adventum negocium hoc alter impetrâsset, sed si aliquis vestrum cognoverit causam hanc expeditam esse, omniaque pro certo impetrata esse, tunc labori et sumptibus pontificem pro eâdem re accedendi parcere poteritis, neque in eâ amplius ingerere, neque necessarium aut opportunum erit, ut pro ullâ aliâ in præsentiâ quam pro hâc apud sanctissimum dominum nostrum agatis, sed solum nunc procurabitis de commissione et dispensatione juxta formam ad vos missam obtinendâ, necnon de profestinatione illâ, quam compendii ad vos dedi, in quibus omnibus et singulis apte tractandis regia majestas magnam fiduciam in vestrâ prudentiâ collocavit, in quibus cum tam magni sint momenti, ex regiæ majestatis sententiâ nunc vobis maxime elaborandum est.

Denique quum intelligam dominum Lautrek nonnihil mirari, quod regiæ majestates istic agentes, nullam suorum mandato- 21
rum partem cum eo conferunt, ad eum nunc scribo, et nonnulla domino Roberto Jernyngham ei exponenda committo, concernentia actiones cum Ferrariæ duce, et alia quædam eidem domino Lautrek; significans vos missos esse ad dictas causas juvandas, et pontificis liberationem promovendam, quemadmodum ex literarum ad dominum Jerningham exemplo cognoscetis: expediens itaque fuerit, ut præ se feratis, vos dictæ rei gratiâ missos esse, ne forsan dominus Lautrek in falsam aliquam conjecturam aut suspicionem incideret, quæ communibus rebus nocere posset, et in vestrarum quoque actionum impedimentum redundare.

Illud deinde reticere nolui, quod si ullo pacto vobis liceat ad sanctissimi domini nostri præsentiam accedere, nihil omittatis in favore et gratiâ reverendi domini datarii, de cujus animo nihil dubitamus, comparandâ; eique asseretis quod quum in nostris
[fol. 200.] omnibus occurrentiis illius operâ ac patrocinio semper usi fuerimus, ipse vero tantâ semper fide ac sedulitate omnia effecerit quæ nobis grata et optata esse cognovit, ut nostram omnem operam suis rebus reddiderit promptissimam, et suæ utilitatis et exaltationis cupidissimam. Quocirca hæc regia majestas hâc in re, quâ nullam magis cordi habet, nec gravioris momenti quicquam sibi accidere posse judicat, ex animi sui

sententiâ conficiendâ, post sanctissimum dominum nostrum, in domino datario spem omnem collocavit, qui ex hâc occasione, si operam suam ad optatum usque exitum interponere non gravetur, regiæ majestatis animum ac pectus, sic omni ex parte promerebitur, ut dicta majestas non solum omnia curatura sit, quæ ex domini Veronensis commodo et ornamento fuerint, sed eam etiam munificentiam et gratitudinem addet, quæ majorem vel integram partem, a captivitate redemptionis persolvendæ compensabit; in me vero non aliam fidem et amicitiam experietur, quam ab ullo fratre posset expectare. Et bene valete. Londini ex meis ædibus. Die quinto Decembris MDXXVII.

Vester tanquam frater amantissimus
T. Cardinalis Ebor[8].

[8] [Besides the letter of Wolsey's to Cassali mentioned in note 5, p. 19, there are two others from the same to the same bearing on the same subject, dated Dec. 15, and Dec. 27, printed in State Papers, vol. vii. pp. 23–35.]

Number IV. [p. 47.]

Rome Jan. 1. 1528.

Two letters of secretary Knight's to the cardinal and the king, giving an account of his conference with the pope about his divorce. Taken from the originals.

Cotton lib. Vitell. B. x. [fol. 2.]

PLEASE it your grace to understand, That immediately upon the receipt of your grace's letters, severally directed unto Mr. Gregori and me; he and I resorted unto the pope his holiness, making congratulation of his restitution unto liberty on the king's and your behalf, to his singular comfort and consolation; and so much the more, because that I was the first that made like salutation in any great prince's name; he being well assured that I spake the same on the behalf of his two chief, sincere, and unfeigned friends: wherefore with great high thanks, and long discourse, with rehearsal of the king's 22 and your merits and acts, in most virtuous and catholic manner, employed for his restitution unto liberty, and your continual and effectual study how the see apostolic might recover the pristine reputation and dignity: he confirmed as much as I had spoken. After this Mr. Gregori and I entered into our charge, shewing at length the high deserts of the princes and realm of England, the devotion of the same towards the church; how expedient it was, as well for the see apostolic, as for the said realm, to foresee and provide that all occasions of dissention and war were extinct and put away; which for lack of heir male of our sovereign's line and stem, should undoubtedly follow, with other considerations at length contained in our instructions. We desired his holiness to commit the knowledge of the dispensation that was obtained in time of Juli, of famous memory, for matrimony to be had between the king and the widow, relict late of prince Arthur; and that he might have it in form as that was that your grace sent hither. His holiness answered, That our sayings had great likelihood of truth, for lacking of issue male of the king's stem, considering the nature of men being prone unto novelties, and disposed unto parties and factions, the realm of England would not only enter into their accustomed divisions, but also would owe or do

small devotion unto the church; wherefore his holiness was right well content and ready to adhibit all remedies that in him was possible as this time would serve. And because he was not expert in making of commissions, he would consult with the cardinal Sanctorum Quatuor, and use his advice, which we should shortly know.

We perceiving that the obtaining of our charges after the king's and your grace's pleasure, depended much upon the advice of Sanctorum Quatuor, did prevent his going unto the pope, and delivering your grace's letters with recommendations accordingly, we desired him to be good and favourable unto our requests in the king's behalf; and for the better obtaining of our desires, we promised to see unto him with a competent reward. And this communication had, we shewed unto him the commission, which he said could not pass without perpetual dishonour unto the pope, the king, and your grace; and a great part of such clauses as beth omitted, he hath touched and laid reason for the same in a writing, which I do send unto your grace with this. Considering his great experience, wisdom, learning, and the entire affection that he beareth unto the king and your grace; and that it was far from the king's desire, and nothing for your purposes, that I should first have sent the said cardinal's sayings unto your grace and abide answer, and eftsoons peradventure to do the same: considering [fol. 3.] also that the king desireth a commission convenient and sufficient, we desired him to make the minute of one, which he gladly did; when it was made, the pope said, That at his being in the castle of St. Angelo, the general of the Observants in Spain, required his holiness, in the emperor's name, not to grant unto any act that might be preparative, or otherwise, to divorce to be made between the king and the queen: and moreover desired an inhibition, that the said cause should not come in knowledge before any judge within the king's dominions. The pope answered that *inhibitio non datur nisi post litem motam.* And as unto the first his holiness was content,
23 if any like thing were demanded, to advertise the emperor before that he did let it pass; and this was in a manner for his holiness being in captivity. But his holiness being yet in captivity, as your grace reporteth, and esteemeth him to be as long as the Almaines and Spaniards continueth in Italy; he

thought if he should grant this commission, that he should have the emperor his perpetual enemy, without hope of any reconciliation: notwithstanding he was content rather to put himself in evident ruin, and utterly undoing, than the king, or your grace, should suspect any point of ingratuyte in him, heartily desiring *cum suspiriis et lacrimis*, that the king and your grace, which have always been fast and good unto him, will not now suddenly precipitate him for ever; which should be done, if immediately upon delivering of the commission, your grace should begin process. He intendeth to save all upright thus: If monsieur de Loutrec would set forwards, which he saith daily that he will do, but yet he doth not, at his coming the pope his holiness may have good colour to say, He was required by the ambassador of England of a like commission. And denying the same, because of his promise unto the general, he was eft-soons, required by monsieur de Loutrec, to grant the said commission, inasmuch as it was but a letter of justice. And by this colour he would cover the matter, so that it might appear unto the emperor, that the pope did it not as he that would gladly do displeasure unto the emperor, but as an indifferent prince that could nor might deny justice, specially being required by such personages; and immediately he would dispatch a commission, bearing date after the time that monsieur de Loutrec had been with him or near unto him. The pope most instantly beseecheth your grace, to be a mean that the king's highness may accept this in good part, and that he will take patience for this little time, which as it is supposed will be but short, and (*in omnem eventum*) I do bring a commission with me, and a dispensation, which I trust the king and your grace will like well.

We have given unto my lord cardinal Sanctorum Quatuor two thousand crowns, and unto the secretary thirty crowns.

With this your grace shall receive a letter from the pope's holiness, Item, a counsel of Oldrand, that giveth light unto the king's cause; I shall make the most diligence homewards that I can. Our Lord Jesu preserve your grace.

At Orvieti, this
first day of January.

Your most humble servant
and chaplain,

W. Knighte.

Rome 1 Jan. 1528.

To the KING.

24 PLEASE it your highness to understand, That as soon as the pope was at liberty, and come unto Orvieti, I resorted unto his holiness with all diligence; and at my coming unto him, did make congratulation on your highness' behalf; forasmuch as he was restored unto his liberty, which he accepted very joyfully and thankfully, giving unto your highness manifold and high thanks for your great goodness, as well proved in his adversity, as when he was in his most felicity. After this he rehearsed my being at Rome, how dangerous it was, inasmuch as when my being there was detect, espial was made, and I was not passed out of Rome by the space of two hours, or two hundred Spaniards invaded and searched the house. He shewed also that he had received all such letters as I at my being in Rome did send unto his holiness; whereby he perceived the effect of your highness' desire concerning your dispensation. And albeit he did send me word that I should depart, and his holiness would send unto me the said dispensation fully sped: nevertheless he trusted that your highness would be content to tarry for a time: for the general of the Observants in Spain being lately in Rome, had required him, according unto his instructions, that he should suffer nothing to pass that might be prejudicial, or against the queen, directly or indirectly, but that the pope should first advertise thereof certain of the Cæsarians here. And forasmuch as this dispensation might encourage your grace to cause my lord legate *auctoritate legationis* to hear and discern in the cause that your highness intendeth, and his holiness standeth as yet in manner in captivity and perplexity: his holiness therefore besought your grace to have patience for a time, and it should not be long or your highness should have, not only that dispensation, but any thing else that might lie in his power. Ibid. [fol. 4.]

I replied unto this, That his holiness had once granted it, and that I had despatched a post, and made relation thereof, by my writings, unto your holiness. So that I could not imagine by what reason I might persuade unto you to believe

that he would perform the promise that he had once broken. In conclusion; he was content that your highness should have it, but he would have it delivered with this condition; the prothonotary Gambora and I should beseech your highness not to attempt any thing in your cause against the queen, till such time as the pope were frankly at his liberty; which could not be as long as the Almaynes and Spaniards did thus reign in Italy; and promise made, we should deliver the dispensation: and in my poor judgment, it was best always to be in possession of this dispensation. After this he shewed the minute unto the cardinal Sanctorum Quatuor, willing him to reform it according unto the style of this court; which done, he shewed it unto me, and after said, That he thought good that I should depart, because I rode but competent journeys, and the prothonotary Gambora should follow by post and bring the bull with him, which is of the same form and substance that your highness' minute is of: and if there be any thing omitted, or to be 25
added, his holiness is always content to reform it, and to put it under the same date that the same dispensation now beareth; the copy whereof I do send unto your highness with this, the commission general and protestation being void, because they were conceived *durante captivitate* only. And here on my behalf, none other thing to be done, I took my leave of the pope and departed. At my coming unto Scarperii near unto Bonony, I did meet with Thadeus this courier; which brought certain expeditions triplicate; the one unto the prothonotary Gambora, the other unto Gregori de Cassalis[9], and the third unto me; among which was a general commission duplicate, the one to be committed unto my lord legate, and if that could not be obtained, because my lord legate might be thought partial, then the same to be committed unto Stafileus. Item; there was a copy of a dispensation, where I perceived, by your grace's letter, that your pleasure was to have your dispensation in form, after the minute that Barlow brought; which was then sped, and already passed; so remained nothing to be sped, but the commission. Your highness' pleasure thus known, I caused my servants to continue their journey, and with one servant and this courier, I returned unto Orvieti with post-horses, where Mr. Gregory and I, with much business, have

[9] [Vide State Papers, vol. vii. pp. 25, 26.]

obtained a commission directed unto my lord legate, not in the form that was conceived in England, but after such manner as is sufficient for the cause, and as I trust shall content your highness; wherein the lord cardinal Sanctorum Quatuor hath taken great pain to pen, as well your dispensation as this commission; for which, and that hereafter he may do unto your highness the better service, Mr. Gregory and I have rewarded with two thousand crowns, of such money as your highness hath caused to be made unto Venice for the furtherance of your causes.

But albeit that every thing is passed according unto your highness' pleasure, I cannot see, but in case the same be put in execution at this time, the pope is utterly undone, and so he saith himself. The imperial doth daily spoil castles and towns about Rome; monsieur de Loutrec is yet at Bononye and small hope is of any great act that he intendeth. The Cæsarians hath taken, within these three days, two castles lying within six miles of this town: and the pope being in this perplexity, not assured of any one friend but of your highness, that lieth too far off; if he do at this time any displeasure unto the emperor, he thinketh he is undone for ever; wherefore he putteth his honour and health wholly into your highness' power and disposition. This morning I return homewards, and Gregori de Cassalis goeth in company as far as unto Florence; and from thence he goeth unto monsieur de Loutrec, to solicit him forwards, if it may be. The Holy Ghost send your highness a prosperous new year, and many.

At Orvieti, the first day of January.

Your most humble subject, servant, and chaplain,

W. Knighte[10].

[10] [A postscript to this letter to the king, written on the same day, is printed in State Papers, vol. vii. p. 36. There is also a letter of the same date and address from the pope to Henry, stating that he had granted the dispensation, ibid. p. 35.]

Number V. [p. 49.]

Rome 10 Jan. 1528.

A part of an original letter from the same person to cardinal Wolsey, by which it appears that the dispensation was then granted and sent over. 26

Cotton lib. Vitell. B. x. [fol. 31.]

YOUR grace commandeth, That I should send the commission and dispensation with diligence, in case they were sped, before the receipt of your grace's letters sent at this time. Wherefore the prothonotary Gambora and I being commanded *sub pœna excommunicationis* to deliver the same, with a certain request to be made unto the king's highness and his grace, at the time of delivery, I send the same at this time unto Gambora, requiring him in any wise to make diligence towards the king's highness, and not to abide my coming; the request and cause thereof your grace shall perceive by mine other letters adjoined herewith. And supposing that when your grace hath seen my letters, and the dispensations, and considered this time well, it may bechance that the king and your grace will be right well content with that that is passed, without suing for any other thing that could not be obtained without long tract, and peradventure not so.

Your grace hath committed as much unto Gregori de Cassalis at this time, as unto me, which being near unto the pope, will without fail do his best diligence: and if it shall be thought good unto the king's highness and your grace, that I do return unto Orvieti, I shall do as much as my poor carcase may endure, and hereby at Turyne I shall abide the knowledge of your grace's pleasure. The datary hath clean forsaken the court, and will serve no longer but only God and his cure. The cardinal Campegius continueth in Rome sore vexed with the gout; the cardinals Pisane, Triulcis, Ursine, Gadis and Cesis, remaineth for hostages. The cardinals, Mounte, Sanctorum Quatuor, Radulph, Ravenna, and Perusino, beth with the pope; the rest beth absent. Our Lord Jesu preserve your grace.

At Aste, this 10th day of Janyvere.

Your most humble beadsman and servant,
W. Knighte[11].

[11] [Another letter of the same date, written by the same, on the same subject, to Henry the VIIIth, is printed in State Papers, vol. vii. p. 46.]

Number VI. [p. 49.]

Orvieto the 13th of January.

From Gregory Cassali's letter about the method in which the pope desired the divorce should be managed. Taken from a copy written by cardinal's Wolsey's secretary.

HERI et hodie ad multam diem sum alloquutus sanctissimum dominum nostrum de mittendo legato, insequens ordinem a reverendissimo domino Eboracensi suis literis vicesimo septimo Decembris mihi præscriptum. Pontifex ostendit se cupidissimum satisfaciendi regiæ majestati, cui omnia se debere fatetur, et ab eâ solâ omnem suam salutem sperat, et nunc habuit mecum longum de hâc re colloquium, ut inveniatur modus omnia bene, firme, et secure faciendi, quo facto et tueri possit; ideoque consulere voluit judicium cardinalis Sanctorum Quatuor et Symonettæ, qui excellentior et doctior auditor Rotæ est, cum quibus sub sigillo confessionis egit, ut ex eorum consilio inveniatur modus ad moram tollendam, et causam secure peragendam: atque ita pontifex cum illis, in hoc quod sequitur, se resolvit, videturque optimus, verus et securus modus, et me rogavit, ut nullo pacto dicam hoc obtinuisse ab ejus sanctitate sicuti reverâ obtinui, nam Cæsariani eum statim pro suspecto allegarent, sed quod dicam me habuisse a cardinale Sanctorum Quatuor et a dicto auditore. Dicunt quod rex deberet committere istic causam cardinali, ratione commissionis quam attulit secretarius, vel propriâ authoritate legationis, quod facere potest; et ubi causa fuerit commissa, si rex conscientiam suam persentiat coram Deo exoneratam, et quod recte possit facere quod quærit, quia nullus doctor in mundo est, qui de hâc re melius decernere possit quam ipse rex, itaque si in hoc se resolverit, ut pontifex credit, statim causam committat, aliam uxorem ducat, litem sequatur, mittatur publice pro legato, qui consistorialiter mittetur, ita enim maxime expediret: nam cardinalis Sanctorum Quatuor et Simonetta dicunt hoc certum esse, quod si regina citetur illa nihil volet respondere nisi quod protestabitur locum et judices suspectos esse, et Cæsariani petent a pontifice per viam signaturæ, justitiæ inhibitionem, quâ rex aliam nullam possit uxorem

Cotton lib. Vitell. B. x. [fol. 35.]

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[fol. 36.]

caperc, et si capiat, proles non sit legitima donec causa non definiatur; petent commissionem quod causa audiatur in curiâ; de inhibitione vero pontifex non potest negare, neque etiam commissionem nisi injustitia et mera vis inferatur, adversus quam omnis mundus exclamaret. Quod si rex aliam uxorem ceperit, hoc non possunt petere, et si petant, negabit pontifex quod jure potest, nec aliud dicere poterunt vel allegare, nisi quod cardinalis Eboracensis, et cardinalis mittendus, et locus sit suspectus, et petere quod causa videatur hic, quo si deducatur, statim feretur sententia quam pontifex maturabit, non servatis terminis propter momentum negocii et alias rationes, quas sciet pontifex adducere, et ita hic obtinebuntur sententiæ quæ per totum orbem approbabuntur, quibus nullus Hispanus aut Germanus poterit contradicere, et mittentur in Angliam declarandæ per cardinales prout rex voluerit, et hoc etiam non obstante pontifex mittet cardinalem.

Tandem hic est modus rebus omnibus secure medendi, ad quem sequendum vos pontifex hortatur, et rogat, ut nihil dicatur quod ab eo procedat. Iste modus non videtur inutilis, quia hic auditor asserit, non aliter esse faciendum si bene volumus; et quia reverendissimus dominus Eboracensis instat pro celeritate, interim accersiri poterit qualiscunque legatus rex voluerit, et magis satisfiet vulgo in mittendo legato, veluti ad definiendam causam, et hic etiam ut dixi omnia fient quæ super id rex petierit.

Præterea pontifex, id quod fecit ut me resolverem ad has literas scribendum, contentus est mittere quemcunque cardinalem ego petiero, sed ait oportere ut aliquis mittatur habilis, id est, doctor in jure, vel in theologiâ, qui sunt isti, Campegius, Cesarinus, Senensis, Cesis, Araceli, Monte, qui senex est et immobilis; Cesis in obsidem ivit Neapolim, Cesarinus episcopatum 28
habet in Hispaniâ, Araceli podagrâ laborat et frater est, Senensis est imperialis et non valde prudens, Campegius esset maxime ad propositum, sed Romæ est locum tenens pontificis, unde non posset discedere, continuantibus discordiis inter Germanos et Hispanos, neque auderet egredi a castro; sed hoc periculum et dubium brevi expedietur, nam intra octo dies Cæsariani cogentur sibi consulere ut eant in regnum, si dominus Lautrec eo progrediatur, vel ibunt Senas per iter Florentiæ, et tunc Campegius poterit exire, et si rex ita jusserit statim ac-

cingetur itineri. Pontifex jussit ut scribam, quod nunquam ingenio aut studio deerit in excogitando ut adimpleat desiderium et voluntatem regis, et quod solum ista proponit pro meliori securitate, ne ista fiant quæ postea referri debeant, quod pareret dilationem et difficultatem, et quantum ego possum conjicere, pontifex exoptat satisfacere regiæ voluntati. Pontifex denuo replicavit quod se totum rejicit in brachia regiæ majestatis, et quod certus est quod Cæsar nunquam hoc illi ignoscet, et quod ex hâc occasione vocabit eum ad concilium, vel nihil aliud quæret nisi ut omni statu et vitâ privet, et dicta sanctitas parvam spem habet in Gallis, nisi quantum operabitur per regiam majestatem et reverendissimum dominum Eboracensem. Ad quod respondi, illum ex præteritis et præsentibus posse judicare futura. Tandem affirmo, quod si semel tollatur Cæsaraniorum metus, poteritis ex arbitrio vestro disponere de sede apostolicâ.

Cardinalis Campegius ad pontificem scripsit, quod sunt tres dies ex quo frater generalis communicaverat secum negocium regiæ majestatis, et quod dixerat ut ad ejus sanctitatem scriberet, ut omnino faceret aliquam inhibitionem, ne causa istic tractaretur. Ad quod pontifex non respondit, sed respondebit, se nihil de eo posse facere, quia non pendet causa.

Number VII. [p. 52.]

Januar. 1528. ad collegium.

A duplicate. The king's letter to the college of cardinals; from which it appears how much they favoured his cause.

Cotton lib. Vitell. B. x. [fol. 52.]

HENRICUS rex, reverendissimis in Christo patribus dominis episcopis, patribus et diaconis S. R. E. cardinalibus et amicis nostris carissimis salutem.

Nihil unquam tam grande esse posse putavimus, quin de istâ sanctâ sede, vestrarumque reverendissimarum dominationum summâ erga nos benignitate, illud semper audacter nobis fuerimus polliciti, quod certe sacrosanctum istud collegium, quotiens ullam nobis gratificandi occasionem oblatam habuit, cumulatissime præstitit: cæterum benevolentiam istam vestram et singulare in nos studium, nunc longe superavit alacritas quam in nostrâ omnium gravissimâ causâ, juvandâ ac promovendâ, in publico consistorio, amantissime omnes exhibuistis, quo certe beneficio sic sacro isti collegio sanctissimæque isti sedi adstrictos nos fatemur, ut vehementissime optemus gratiam, vel sanguine ipso publice ac privatim reverendissimis dominationibus vestris quoque posse referre.

Quocirca iterum atque iterum eas impense rogamus, ut in suo erga nos affectu perseverare non graventur, efficiemusque (Deo bene juvante) ut brevi perspiciant, apud gratum et memorem principem, sanctæque Romanæ ecclesiæ observantis- 29
simum, sua se beneficia et officia collocâsse. Interim vobis quas possumus ex animo, tum his literis, tum per oratorem istic nostrum immortales gratias reverendissimis vestris dominationibus agimus, existimetisque quicquid a nobis præstari queat, id suo ornamento et commodo promptissimum futurum et felicissimum.

Number VIII. [p. 52.]

Rome, Feb. 10. 1528.

A duplicate of the cardinal's letter to the pope, about the divorce; corrected with his own hand.

BEATISSIME pater, post humillimam commendationem, et sanctissimorum pedum oscula, doleo atque gravissime excrucior, quod ea quæ tantâ solicitudine, literis et nunciis apud beatitudinem vestram ago, nequeam, ut unice et rerum omnium maxime vellem, prius tractare, hoc est, negotium potentissimi domini mei regis, negocium inquam rectissimum, honestissimum ac sanctissimum, in quo procurando non aliter me interpono, quam in ejus regiæ majestatis salute tuendâ, in hoc regno conservando, in publicâ tranquillitate fovendâ, in apostolicâ authoritate, in meâ denique vitâ et animâ protegendâ debeo. Cotton lib. Vitell. B. x. [fol. 78.]

Beatissime pater, ad vestræ sanctitatis genua provolutus, obsecro et obtestor, ut si me Christianum virum, si bonum cardinalem, si sacrosancto isto senatu dignum, si apostolicæ sedis membrum non stupidum et inutile, si recti, justitiæque cultorem, si fidelem creaturam suam, si demum æternæ salutis cupidum me existimet, nunc velit mei consilii et intercessionis rationem habere, et pientissimis hujus regis precibus, benigne, promptcque adnuere; quas nisi rectas, sanctas ac justas, esse scirem, omne prius supplicii genus ultro subirem, quam eas promoverem, pro hisque ego vitam meam et animam spondeo. Alioquin vereor (quod tamen nequeo tacere) ne regia majestas humano, divinoque jure (quod habet ex omni Christianitate suis his actionibus adjunctum) freta, postquam viderit sedis apostolicæ gratiam, et Christi in terris vicarii clementiam desperatam, Cæsaris intuitu, in cujus manu neutiquam est tam sanctos conatus reprimere, ea tunc moliatur, ea suæ causæ perquirat remedia, quæ et non solum huic regno, sed etiam aliis Christianis principibus, occasionem subministrarent, sedis apostolicæ autoritatem et jurisdictionem imminuendi, et vilipendendi non absque Christianæ reipublicæ perturbatione: quibus malis potest vestra sanctitas suâ authoritate et prudentiâ mederi. Hæc loquor ut Christianus, et ut devotissimum istius sedis membrum sincere suadeo; non affectus, non principis amor,

non servitutis vinculum me impellit, sed solâ rectitudine ad id adducor.

Cæterum animi solicitudo non sinit plura exprimere. Vestra sanctitas in tam justo regis voto adnuendo, sic ejus majestatis animum sibi devinciet et conservabit, ut non solum ipse et ego, sed omnes ejus subditi sint ad omnem occasionem, opes, vires, et sanguinem in sanctitatis vestræ, et apostolicæ sedis beneficium, libentissime profusuri. Mitto ad beatitudinem vestram hujus rei gratiâ, dominum Stefanum Gardinerum, primarium secretissimorum consiliorum meorum secretarium, mei dimidium, et quo neminem habeo cariorem; referet ille cuncta distinctius, meum pectus aperiet. Vestram igitur sanctitatem humillime rogo, ut eum loquentem me loqui existimare, et eam fidem quam præsenti mihi haberet, illi et domino Edwardo Foxo regio familiari in omnibus præstare, et me a tam anxiâ expectatione liberare dignetur[12].

Number IX. [p. 52.]

Cardinal Wolsey's letter to Gregory Cassali, directing him to make presents at Rome.

Cotton lib. Vitell. B. x. [fol. 67.]

TANTA deinde sunt, tamque magna officia, quæ reverendissimus dominus Sanctorum Quatuor, tum erga regiam majestatem, tum erga me, nunquam non amantissime exhibuit, ut quum ea in agendis gratiis assequi conamur, id animo facilius complecti, quam exteriori ullo propensæ nostræ in eum voluntatis testimonio indicare queamus: ad nostrique in eum summi studii et affectionis cumulum, nunc tantum accessit, quantum vix unquam possit a nobis exsolvi; licetque de ejus reverendissimi domini ingenti regiæ majestati, et mihi gratificandi ardore nunquam addubitaverim, sic tamen pectus suum, in regiæ majestatis promovendâ juvandâque causâ, sic in meis

[12] [There is another letter from Wolsey to sir Gregory Cassali, dated Feb. 12, 1528, printed in the State Papers, vol. vii, p. 50, accrediting Gardiner and Fox in much the same style as in the conclusion of this letter.]

seorsum curandis expediendisque negotiis, operam, fidem, authoritatemque suam interposuit, ut non minora semper effecerit, quam nos optare potuerimus: quo certe nomine, ita utrumque nostrum, suo suorumque omnium commodo et ornamento devinxit, ut non prius conquieturi simus, quam aliquo indicio rebus ipsis nostram vicissim gratitudinem fuerimus testati; quot enim modis et quantâ solicitudine reverendissimus Sanctorum Quatuor de nobis sit optime meritus, res præstita indicat et dominus Stefanus secretarius meus suo sermone ac relatu assidue prædicat; et quamvis munusculum illud olim oblatum recusaverit, non tamen regiæ majestati satisfactum esse potest, nisi memoris sui animi pignus aliquod exhibuerit. Quocirca cum eodem reverendissimo domino dexterrime agite, ut in familiari aliquo colloquio eliciatis, quibus rebus ille maxime oblectetur, mihique quam primum significate, num illi, aulæa, vasa aurea, aut equi maxime probentur, efficiamque ne putet apud principem inhumanum aut ingratum sua se officia collocâsse. Intellexi quoque ex eodem domino Stefano, quam ardenter idem dominus Sanctorum Quatuor cupiat ædificium Sancti Petri absolvi, veluti monumentum illud religionis ac pietatis perpetuo futurum, quod certe ejus animi consilium, ut sanctum, ita dignissimum censeo, ut Christianorum principum liberalitatem quam plurimum mereatur; meo igitur nomine illi affirmabitis, sic meam me esse operam apud hunc serenissimum regem interpositurum, ut palam constet omnibus, me ecclesiæ membrum non omnino inutile aut stupidum esse.

De aliis vero rebus in quibus sanctissimi domini nostri benignitatem et reverendissimi domini Sanctorum Quatuor operâ et patrocinio regiæ majestati et mihi in præsentiâ est opus, per dominum Stefanum copiose vos instruo, iterum atque iterum impense rogans, solitâ vestrâ diligentiâ et sedulitate ex nostrâ expectatione eas curare conficereque velitis.

Number X. [p. 52.]

Rome Feb. 1527.

The decretal bull that was desired in the king's cause.

Clemens PP. VII.

31

Cotton lib. Vitell. B. xii. [fol. 178.]

DILECTO, &c. Salutem et apostolicam benedictionem. Sedis apostolicæ suprema autoritas potestatis suæ copiam sic omnibus exhibet, ut pro causarum, personarum et temporum qualitate remedia singulis ad ædificationem subministrare, et causas ad canonum sanctiones expensas, æquissimâ certissimâque lance trutinans, laborantibus conscientiis et fluctuantibus consulere, summamque ipsis tranquillitatem statuere contendat. Cum itaque charissimus in Christo filius noster Henricus Octavus Angliæ rex, fidei defensor, et dominus Hiberniæ, suâ nobis conquestione monstraverat, quod cum annos abhinc decem et octo nobilem mulierem Catharinam Ferdinandi quondam Hispaniarum regis filiam, illustris principis Arthuri fratris sui defuncti quondam uxorem, hortatu, suasu, ac consiliis eorum, quibus se totum in primâ regni sui administratione crediderat, quâdam sedis apostolicæ dispensatione prætensâ, sibi bonâ fide
[fol. 179.] matrimonio copulâsset, ac ab eo tempore hactenus cum eâdem tanquam cum uxore cohabitâsset, prole interim fœminâ susceptâ et superstite ex eâdem, ac jam tandem post desperatam prolem masculam, de stabiliendâ et confirmandâ ejusdem filiæ suæ successione cogitaret, lustratisque scriniis dictam super matrimonio præfato dispensationem faceret proferri, doctorumque virorum judicio examinari, cujus quidem dispensationis tenor sequitur, et est talis, &c.

Quidam sanctionum et canonum ecclesiasticorum consulti, datam dictæ *[13]cum narratis ejusdem conferentes, aliasque nonnullas circumstantias quæ tam ante dictæ* dispensationis impetrationem, quam etiam post eandem impetratam intervenerunt, ponderantes, tum quod causa quæ in bullâ prætensa est pacis continuandæ, viz. quæ ipsa tum coaluerat, fœderibus
[fol. 180.] percussis firma constiterat, mutuis etiam populorum commerciis aucta, nullum suæ violationis timorem incutiens, qui justus et non omnino vanus dici posset, nec urgentissima proinde nec

[13] [The words between asterisks form an interlineation in a different hand, though of the same age.]

evidentissima videretur, qualem prohibitionis relaxatio exigat et requirat; tum quod preces falsæ erant dum narrabatur prædecessori nostro, eundem charissimum filium nostrum tum cupere cum dictâ charissimâ dominâ Catharinâ contrahere matrimonium, ad hoc ut pacis fœdera diutius continuarentur, cum eo tempore, ut asserit, impetrationem prorsus ignoraret, et per ætatis immaturitatem, duodecimum, viz. annum non excedentis, affectum hujusmodi inducere non potuerat; tum quod protestatione postmodum interveniente et vim renunciationis habente, dispensatio tunc per renunciationem extincta videretur; Denique quod principes inter quos fœdera conservarentur, ante [fol. 181.] mandatam executioni bullam fatis concesserant; bullam ipsam, tam ex surreptionis et obreptionis vitiis, quam aliis etiam de causis minus validam et inefficacem esse renunciârunt et retulerunt, scrupulum dicti regis animo conscientiæque gravem injicientes eamque illi opinionem inducentes, ut matrimonium prædictum non consistere, neque hâctenus jure constitisse judicaret. Porro autem cum frequentius apud se, ut asserit, animo volveret, ac meditaretur, quales exitus hujusmodi nuptiæ præ-
32 fatæ habuerunt, ex quibus, viz. aliquot partus masculi imperfecti parumque vitales prodiere, atque ideo se omni spe successoris prorsus destitui, qui suam familiam ad paucos redactam conservaret, occurrente simul memoriæ divinâ interminatione quæ fratris sui turpitudinem revelanti, et illius uxorem contra sacrosancta Dei præcepta accipienti inscribitur, præsertim ubi dispensatio non interveniat, quæ ex omni suâ parte valeat et [fol. 182.] consistat, nonnullis etiam affirmantibus nostram non câtenus potestatem patere ut in eâ specie gratiam faciamus, etiamsi ut scribit de nostræ potestatis plenitudine non dubitet, juste duntaxat legitimeque interpositæ, quam summam in terris agnoscit et veneratur, ad improbandas illas nuptias tantum undique videt consensum ut illas animo abhorreat, nec aliorum rationibus posset dissuaderi quin abominandas eas judicet, et Divinæ majestati odiosas; Denique idem charissimus filius noster debitâ cum instantiâ nos precibus sollicitaverit, quatenus personæ suæ et regni nobis semper devotissimi rationem habentes, maturo judicio ab angustiis liberemus, quibus se usu præsentis matrimonii per legem conscientiæ privatum, nec ad aliud per leges publicas ante sententiam admissum, vehementer conqueritur comprehensum esse.

[fol. 183.] Nos igitur considerantes quot, quanta, tum in sedem apostolicam, tum in fidem Christianam officia præ cæteris exhibuerit, promeritus eo nomine ut nostræ vicissim potestatis gratiam uberrimam et promtissimam referat, aliamque illius causam atque privati esse, ex quâ nimirum pendeat salus plurimorum, nec posse dictæ causæ decisionem diutius proferri et protelari sine gravi discriminis periculo, dicti vero principis cruciatu maximo quæ nos ex gratitudinis vicissitudine minuere debeamus, quâ decet festinatione procedi facientes ut ad finem celerrime perducatur, de consilio fratrum nostrorum, quorum in hâc causâ tam gravi atque urgenti judicium adhibuimus, ac etiam eorum quos et sacræ theologiæ peritissimos et juris ecclesiastici callentissimos desuper consulendos audiendosque putavimus, quoniam vitia et defectus prædictos ejusmodi
[fol. 184.] esse comperimus, quæ pensatâ præfatæ prohibitionis naturâ, vires ipsius bullæ merito enervarent; quo magis, viz. attestemur et palam faciamus, quantâ animi curâ et sollicitudine præfati charissimi filii nostri conscientiam ejusmodi scrupulis et difficultatibus impediri, implicari atque vexari sustineamus, cum alioqui te dilectum filium nostrum cardinalem Eboracensem in illâ provinciâ nostrum et apostolicæ sedis legatum, a præclaris animi tui virtutibus, ad justitiam vero et æquitatem propensissimo sincerissimoque affectu nobis sic commendatum et cognitum habeamus, ut tibi merito soli omnem nostram autoritatem, cum in hâc causâ expediendâ, tum etiam in reliquis committendam putaverimus, dignissimus quidem nobis existimatus, qui partes nostras tractes et vices absentis posses supplere: Te tamen dilectum filium[14]

a nobis specialiter istinc de-
[fol. 185.] stinandum duximus, ut conjunctim in hâc causâ procedere possitis, ita nihilominus propter incertum casuum eventum mandatam autoritatem temperantes, ut altero vestrum nolente aut impedito, alter omnia exequi et causam fine debito valeat terminare. Vobis ut præfertur conjunctim, et ut præfertur divisim, ad cognoscendum et procedendum summarie et de plano, sine strepitu et figurâ judicii, ac de, et super viribus dictæ bullæ sive dispensationis inquirendum, ipsamque bullam sive dispensationem, si de vitiis prædictis aut eorum aliquo tali

[14] [Space is left here in the MS. for the insertion of the name of the legate.]

probatione constiterit, quæ licet aliis minus clara videatur, animo tamen religioso, conscientiæque vestræ, aut ejus vestrûm
33 qui in hâc causâ processerit, divisim, ut præfertur, satisfecerit, et verisimile apparuerit, vel pacem quæ in bullâ prætenditur sine hujus matrimonii contractu consistere potuisse et continuari, vel dictum charissimum filium nostrum, ut allegabatur, non cupiisse contrahere matrimonium ad hoc ut pacis fœdera conservarentur, vel denique principes in bullâ nominatos, inter [fol. 186.] quos fœdera per illud matrimonium continuatum iri allegabatur, ante mandatam executioni bullam fatis concessisse, ipsam nullam, minus validam, ex surreptione et obreptione inefficacem, irritam et inanem fuisse semper, et esse pronuntiandam et declarandam; Matrimonium autem prædictum, quod ejusdem virtute consistere videtur, nullum simul ac minus legitimum esse, ac pro nullo minusque legitimo haberi deberi decernendum; ipsos porro contrahentes ab omni contractu matrimoniali hujusmodi liberos, a consortio conjugali quod hactenus observârunt separari deberi sententiandum, et autoritate nostrâ separandum. Denique utrumque ad contrahendum cum alio vel aliâ, novum conjugium ineundi, licentiam et facultatem tribuendum et concedendum, citra omnem recusationem, aut appellationis interpositionem, committimus et demandamus vices nostras; ac vos conjunctim, et altero vestrum nolente ut præfertur aut impedito, divisim, ad præmissa exercenda et expienda[15], plenæ finalique executioni [fol. 187.] demandanda, vicarios nostros et nostrum vicarium, aut si quo alio nomine uti poterimus, quod demandatam in prædictis authoritatem ampliaret, cum omni potestatis plenitudine tam absolutæ quam ordinariæ, quatenus vel ad præfati matrimonii congruam dissolutionem, vel novi contrahendi firmam constitutionem, expedire videbitur aut pertinere;

Ita etiam ut authoritate præsentis commissionis nostræ, cum omnibus illis canonibus, ad validiorem efficacioremque processûs vestri firmitatem poteritis dispensare, quicunque eidem obstare putabuntur, omnemque defectum quâcunque ex causâ contingentem nostræ autoritatis interpositione, dispensatione apostolicâ supplere possitis et valeatis, tam prolem ex primo matrimonio susceptam propter bonam fidem parentum, si id ita expedire visum fuerit, legitimam decernendo, pronunciando et promulgando, quam ex secundo matrimonio suscipiendam. Legi-

[15] [Hastily written for *expedienda*, which is printed in the folio editions.]

timitatem etiam utriusque prolis, censuris et pœnis ecclesiasticis quibuscunque, per modum decreti aut sanctionis perpetuæ
[fol. 188.] muniendo et vallando, omnibus validioribus et efficacioribus modis et formis quæ de jure concipi et excogitari poterint, facimus, constituimus et ordinamus per præsentes: Et quicquid per vos conjunctim, ut præfertur, aut divisim procedentes, per cognitionem judiciariam summariam, aut extrajudiciariam, processus quoscunque faciendo, pronunciando aut promulgando, easdemve executioni mandando, dispensationes quascunque aut gratias in præmissis concedendo et faciendo, et generaliter in aliquibus prædictorum potestatem nostram vel ordinariam vel absolutam exercendo, ut præfertur, actum, gestum, decretum, dispensatum, pronunciatum, mandatum, aut executum fuerit, id omne et totum, quum primum poterimus, ratum, gratum et firmum habentes, in validissimâ et efficacissimâ formâ confirma-
[fol. 190.] bimus, nec eorum aliqua unquam infirmabimus aut infringemus, aut eorum alicui contraveniemus, nec interim revocabimus; declarantes etiam et protestantes per præsentes, nostræ intentionis esse, ut præsens commissio, sive delegatio autoritatis nostræ, perpetuo effectu gaudeat, et usque ad finalem prædictorum conclusionem extremumque terminum duret et consistat, non obstantibus quibuscunque decretis, sententiis, mandatis 34
rescriptis, literis aut brevibus in contrarium, deinceps per nos tanquam irritatoriis, derogatoriis aut revocatoriis præsentis concessionis nostræ, emittendis, destinandis aut promulgandis; quibus omnibus expresse per præsentes derogantes, et illa
[fol. 189[16].] omnia pro nullis, cassis, irritis et inanibus reputantes, ac talia esse et haberi, istisque omnino anteriora judicari, præsentia vero semper posteriora, et post illa repetita, emissa et destinata censeri, ac tanquam ultima et posteriora contrariis sic deinceps emittendis derogare debere, et cæteris contrariis non obstantibus quibuscunque[17].

[16] [In the original document, fol. 189 and fol. 190 are transposed.]

[17] [The actual commmission sent from Orvieto, dated April 13, 1528, is printed in Rymer xiv. p. 237; and appears also in Dodd's Church History of England.]

Number XI. [p. 53.]

[Rome, Jan. 1528.]

The cardinal's letter to John Cassali about it; taken from a duplicate written by his secretary.

REVERENDE domine prothonotari, tanquam frater amantissime, &c. Aliis meis literis copiose ad vos perscripsi regiæ majestatis animum, et desiderium super his rebus quas vobis impræsentiâ commisit, suo nomine sanctissimo domino nostro declarandas. Cotton lib. Vitell. B. x. [fol. 47.]

Nunc vero ob humillimam synceramque meam devotionem, quâ ex jure et officio non solum ejus sanctitati, sed miseris ecclesiæ sublevandis rebus, dignitatique apostolicæ restituendæ adstringor, his literis vos instruam super quibusdam rebus, præcipue et accurate notandis et considerandis, quas post humillimam, reverentissimamque meam commendationem dictæ sanctitati, meo nomine sigillatim, speciatimque declarabitis; et cum causam concernant, quam regia majestas nunc maxime optat et requirit, eandem sanctitatem vehementissime rogabitis, ut cuncta legere et bene notare non gravetur.

Primo itaque indolens infelicem adversumque præsentium rerum successum, in quo sanctissimus dominus noster cardinaliumque collegium versatur, diuque ac noctu mente volvens, quo pacto quibusve modis, totis meis viribus, omni sumptu molestiâque neglectâ, et cum proprii sanguinis vitæque effusione, ministerium aliquod impendere, tantæque afflictioni solamen afferre, et ecclesiæ sanctissimique domini nostri collapso statui opitulari, in quam rem haud dubie quoadque vita suppetet incumbam: mihique in hâc cogitatione versanti, in mentem recordationemque subiit, mirus quidem et grandis affectus, qui divinâ sic disponente Providentiâ, ex instanti assiduâque meâ operâ provenit, ut hunc optimum dominum meum regem inducerem, eique persuaderem quod ad arctissimam istam intimamque cordis et animi conjunctionem deveniret erga sanctissimum dominum nostrum, ecclesiæque et sedis apostolicæ tutelam ac patrocinium suscipiendum, memoriæque succurrunt innumeræ rationes a me adductæ, ut regiam majestatem, quæ Cæsari tenacissime inhærebat, adducerem ad sanctissimi domini nostri

defensionem, rerumque Italicarum tutelam amplectendam, ac inter omnes allegatas rationes, nulla fuit validior aut vehementior, vel quæ regiæ majestatis pectus magis permoveret, quam intima securitas, perfectaque constantia, quam ei assidue indesinenterque insinuavi de ejus sanctitatis verâ optimâque et flagranti correspondentiâ in amore perpetuo indissolubilique amicitiâ, animo et voluntate, petitionibus semper suæ regiæ majestati et desideriis concedendis, quoad ecclesiæ thesaurus 35
et authoritas ejus sanctitati Christi vicario concessa permittit, vel quoad se extendit, seu posset extendere; super idque omnia uberrime promisi, meam etiam salutem, fidem, honorem, animamque adstringens, quod omnia ex ipsius regiæ majestatis voluntate rebus ipsis in omne tempus præstarentur, absque ullâ prorsus occasione aut scrupulo, ab hujusmodi indulgendis petitionibus digrediendi, adeo quod regia majestas, ex hoc meo asseveranti relatu, hunc propensum sanctissimi domini nostri in se animum perspiciens, mihique ejus sanctitatis nomine, veluti legato, et sedis apostolicæ membro loquenti, firmam, certamque fidem adhibens, periculis omnibus posthabitis, laboribus sumptibusque spretis, nullâque sui regni aut subditorum habitâ ratione, animum adfixit, prorsusque statutum et decretum in omnibus se adjungere, atque perpetuo et constanter cum sanctissimo domino nostro in affectu concurrere, in eoque certum habeo velle decrevisseque perstare, ad mortem usque, nisi forsan ex eventibus, longe diversis a meo promisso et ejus expectatione, occasio subministretur suam regiam majestatem ab hoc animi sui decreto amovendi. Id si illi accideret (quod avertat Deus) merito mihi posset adscribere perfidiam, levitatem, violationemque promissionis, quo casu quid mox officii aut ministerii possem sanctissimo domino nostro præstare, aut quæ fides in ecclesiæ rebus mihi haberetur, singulari ejus sanctitatis prudentiæ judicandum relinquo: nunquam enim meo in arbitrio posthac esset, quicquam alicujus momenti hinc efficere, in ejus sanctitatis commodum, hâc nunc in re regiæ majestatis conceptâ spe, et expectatione frustratâ.

Est secundo accurate considerandum quantopere hoc negocium regiæ majestatis intersit, et quanti sit momenti. Inde namque, præter conscientiæ regiæ exonerationem, omnis quoque regiæ lineæ, et stemmatis continuatio pendet; huic adnectitur totius regni felicitas, vel excidium, hic securitas et

salus eorum consistit, qui sub regis sunt imperio, et qui ullo unquam tempore, nascentur in ejus regno, quâ ex re oriri potest occasio, et fomes tranquillitatis perpetuæ, aut discordiæ bellique atrocissimi in universum Christianum orbem, quæ omnia majoris sunt momenti et vigilantius prospicienda quam cujusquam principis vel principissæ gratia, favor et expectatio.

Tertio, causa ex se est hujusmodi ut in animam meam spondere ausim, ejus concessionem, futuram non solum in conscientiæ, honorisque pontificis exonerationem coram Deo et hominibus, sed in cœlis quoque gratam, acceptamque extituram: In hâc deinde re secreta insunt nonnulla, secreto sanctissimo domino nostro exponenda, et non credenda literis, quas ob causas, morbosque nonnullos, quibus absque remedio regina laborat, et ob animi etiam conceptum scrupulum, regia majestas nec potest, nec vult ullo unquam posthac tempore, eâ uti, vel ut uxorem admittere, quodcunque evenerit. Non exigua præterea est habenda ratio eorum, quæ aliis meis literis continentur, concernentia quæ pro ingenti thesauro sanctissimus dominus noster habere queat, tam certam regiæ majestatis amicitiam, cum ejus sanctitate constantissime conjunctam futuram in prosperis et adversis, in quas etiam partes amicos omnes suos pertraxit, et assidue pertrahit, ad ecclesiæ defensionem, sanctissimique domini nostri conservationem, causas omnes suas et actiones dirigens; possentque hi omnes, regiâ majestate deficiente, in contrarium verti, et, ut vera loquar, nullum principem video in quo sanctissimus dominus noster possit, quam
36 in regiâ majestate plenius aut perfectius confidere, vel cujus medio apostolicæ sedis status in pristinam suam dignitatem queat certius restitui, cum absque ejus subsidio, nisi solus Deus ex immensâ suâ bonitate manum citissime apponat, omnino imminutus iri videatur. Quod si sanctissimus dominus noster nunc (quod absit) in his regiis petitionibus durum se, aut difficilem exhibuerit, mihi certe molestissimum est futurum vivere diutius, ob innumera mala, quæ inde subsecutura videntur, hoc præsertim firmo, tutoque regio subsidio tam ingrate abjecto; hocque solum, et certum, et salubre remedium videtur tantæ corrigendæ calamitati superesse, quo neglecto omnia corruant necesse est. Hâc autem in re sanctissimus dominus noster suâ erga regiam majestatem animi gratitudine comprobatâ, poterit de illius amicitiâ et conjunctione quæcunque volet

sibi polliceri, adversus eos omnes, qui ejus authoritatem aut dignitatem voluerint oppugnare. Tandem his causis rationibusque omnibus in unum congestis, mecum ipse reputans, quam multa gravissimi momenti in hujus conjugii dissolutione occurrant, in tantâ æquitate justoque fundamento positâ, ob quæ hæc dissolutio nec possit absque gravissimo detrimento, nec debeat diutius protrahi aut intermitti; videns quoque quid allegari possit et allegabitur omnino ad regiæ majestatis conscientiam coram Deo purgandam, etiamsi id a sanctissimo domino nostro neutiquam admittatur, quæ in hujusmodi allegationibus confisa, vereor ne in tantâ rerum extremitate constituta, potius quam ingentia mala, quæ hinc apertissime imminent, succedant, dicta regia majestas ex duobus malis minus malum eligat, et soli suæ puræque conscientiæ innitens, id agat, quod nunc tam reverenter a sedis apostolicæ authoritate exigit, unde sedis contemptus indies gravior excresceret, hoc præsertim tempore admodum periculoso: quæ omnia sunt a sanctissimo domino nostro summâ suâ prudentiâ alte consideranda, nullo prorsus dubio aut difficultate in re tam gravi mature concedendâ, interjectâ; nec eam retardare debet cujusquam mortalis instantia, contemplatio, vel satisfactio, præsertim quod in multis aliis rebus, forsan non tam manifestis et apparentibus, sanctitas sua liberalem, facilemque erga alios se sæpe præstiterit; cui humillimâ reverentiâ præmissâ meo, nomine dicetis, quod hæc loquor tanquam fidele, utcunque indignum ecclesiæ membrum, omnia excogitans quæ possent in ecclesiæ augmentum et existimationem cedere, ea etiam admonens et consulens ut evitentur, quæ cessura videantur in contrarium. Quocirca sanctissimo domino nostro affirmabitis, quod præmissis omnibus tam maximi momenti existentibus probe consideratis, non veluti mediator aut intercessor, ob privatum illum affectum quem regiæ majestatis causis, ut mei juris est, promovendis gero, sed tanquam is qui in re tantâ et ex tam certâ scientiâ et cognitione, velim sanctissimo domino nostro suadere, ut quod nunc petitur omnino concedat, idque suaderem etiam si in hoc regnum nunquam venissem, neque hic commune quicquam haberem; rogoque, precor, et obtestor ejus sanctitatem, ut omni dubio, respectu, metuque deposito, nullo pacto neget aut differat ea concedere et adnuere, quæ regia majestas urgentissimas ob causas tantâ nunc animi solli-

citudine exposcit; sed his potius benigne liberaliterque adnuat, et omnia concedere non gravetur in pleniorem modum qui hujus rei gratiâ possit excogitari, compertissimumque sibi sua sanctitas habeat, sed[18] id effecturam, quod coram Deo et hominibus justum omnino habebitur, arctissimeque regiam majestatem devinciet ad suæ sanctitatis, ecclesiæ apostolicæque sedis causas omnes pro viribus juvandas protegendasque, nec
37 eâ in re, ulli labori, sumptui, regno vel subditis parcet, nec (si opus fuerit) propriam personam exponere recusabit, in eâ opinione constantissime permansura, in eandemque sententiam Gallorum regem et alios confœderatos attrahet, tum pro suæ sanctitatis et cardinalium liberatione, tum pro sedis apostolicæ authoritatis et dignitatis restitutione; et præterquam quod dicta sanctitas mei humillimæ suæ creaturæ fidem et existimationem conservabit, quo in omnem eventum et necessitatem ea possim hic facilius commodiusque tractare quæ in ecclesiæ commodum, beneficium et securitatem cessura videbuntur, in quæ officia omnem meam industriam, zelum, studiumque adhibebo, hunc quoque serenissimum regem in perpetuum sibi lucrifaciet. Quod si harum rerum rationem non habuerit, vereor ne sit futurum in meâ potestate, ut ullo modo hanc regiam majestatem vel alium ullum principem ad ea adducam, quæ sanctissimo domino nostro solatio aut subsidio esse possunt. Sed confido ab ipsius sanctitate tantam malorum occasionem sublatam iri, gratissimo, benignissimo, liberrimoque animo, omnia ut petuntur concessuram esse, nullo objecto impedimento, contradictione, aut morâ.

Number XII. [p. 54.]

Rome, Jan. 20. 1528.

Staphileus' letter to the cardinal, that shews how much he was persuaded of the justice of the king's cause. The original.

REVERENDISSIME et illustrissime domine, domine mihi colendissime, post humillimam commendationem dominatio vestra Cotton lib. Vitell. B. x. [fol. 42.]

[18] [This is apparently a mistake of the transcriber for *se*.]

reverendissima dignabitur intelligere qualiter quintadecimâ die post recessum nostrum a Londino conscendimus navem, retenti interim in portu ob tempestatem maris et contrarios ventos. Interim in itinere fui cum reverendo domino Roffensi et disputavimus materiam, multum, copiose, et satis prolixe, in præsentiâ domini doctoris Marmeduci, qui intellexit omnia ex utrâque parte ab utroque dicta et sæpius replicata; penes quem autem steterit victoria, vel saltem, uter nostrum validius certaverit, dominatio vestra reverendissima percipiet ex fideli relatione præfati doctoris Marmeduci. Unum certifico dominationi vestræ reverendissimæ quod pro uno mediocri episcopatu desiderâssem quod huic nostræ disputationi interfuisset serenissimus rex noster et dominatio vestra reverendissima pro intelligentiâ veritatis et pro modo disputandi: ceterum commendo humiliter dominationi vestræ reverendissimæ istum bonum virum, bonum servitorem ac diligentem serenissimæ regiæ majestatis et dominationis vestræ reverendissimæ. Quibus me quoque humillimum ac ex toto devotissimum eorum servum quam humillime possum, ex toto corde meo semper commendo, præstaturus utrique fidelissimum et amantissimum obsequium in rebus et negotiis mihi commissis et committendis.

Bene valeat dominatio vestra reverendissima quæ dignabitur tenere me semper in bonâ gratiâ serenissimi regis nostri, qui est decus et ornamentum regiæ dignitatis. Ex Bononiâ[19] 20 Jan. 1528.

Dominationis vestræ reverendissimæ

Humillimus servitor,

Episcopus Staphileus.

[19] [It appears from Wolsey's Correspondence, vol. xiv. fol. 21. that Staphileus arrived at Calais on Saturday the 17th of January, and departed on the following Monday for Boulogne. The above letter was written on Tuesday. See State Papers, vol. vii. p. 55, where the editor has made a mistake as to the day of the week, and as to Fisher's accompanying Staphileus on his voyage. See the History, p. 54, for an unaccountable mistake of the author's asserting Staphileus to be at Rome, and Strype's contradiction of the fact.]

Number XIII. [p. 54.]

Ad Campegium, Jan. 1528.

The cardinal's letter to Campegius, taken from the draught of it, corrected with his own hand.

REVERENDISSIME in Christo pater,

Cotton lib. Vitell. B. x. [fol. 43.]

38 Grata semper huic regiæ majestati extiterunt vestræ reverendissimæ dominationis officia, sed gratissimum omnium illud fuit, quod tantâ fide et sedulitate in ipsius promovendâ causâ ab eâ fuisse præstitum ex reverendi domini Terdonensis sermone cognovit: quam optimi amoris significationem toto pectore amplexatur, jussitque ut suis verbis ingentes vestræ reverendissimæ dominationi gratias haberemus. Cui ego eo quoque nomine maxime quoque me debere fateor; nullâ enim in re magis obnoxium me sibi potest efficere, quam si totis suis viribus, omni gratiâ et authoritate adnitatur, quo negotium hoc ex regiæ majestatis sententiâ quam citissime conficiatur; hujusmodi enim est ut nullum gravius possit accidere. Dilationem nullam patitur, utpote quod totius hujus regni conservationem, regiæ sobolis continuationem, et ejus animi salutem in se contineat. Causa quidem manifestior est quam disputatione egeat, et sanctior quam debeat in controversiam adduci, hanc unam gratiam et nunc primo a sede apostolicâ votis omnibus petit, et eam tum ex rei justitiâ, tum ex suâ in sanctissimum dominum nostrum filiali devotione, spem concepit, ut ullo pacto sibi persuadeat unquam fieri posse ut suâ expectatione frustretur, quam scit vestræ reverendissimæ dominationis operâ ac patrocinio maxime posse juvari.

Iterum igitur atque iterum reverendissimam dominationem vestram obsecro, ut postquam recenti et claro hoc testimonio purgavit quicquid antea de suâ in regiam majestatem fide sinistre fuerat ad nos delatum, et nostrum animum sibi totum devinxit, non gravetur nunc strenue in hoc regio promovendo negotio ad optatum usque finem perseverare, quod ita cor nostrum premit, ut vel proprio sanguine id vellemus posse a sanctissimo domino nostro impetrare. Cætera, vestra reverendissima dominatio uberius ac distinctius cognoscet ex reverendo domino episcopo Terdonensi, ac ex domino Stefano Gardinero intimo meo servo, et domino Edwardo Foxo regio familiari, quibus rogo ut certissimam in omnibus fidem velit habere. Et felicissime valeat.

Number XIV. [p. 56.]

Maii 11. 1528.

The cardinal's letter to Gregory Cassali, desiring a decretal bull to be sent over. A duplicate.

Cotton lib. Vitell. B. x. [fol. 88.]

MAGNIFICE domine Gregori, &c. Ingentem serenissima regia majestas et ego lætitiam concepimus, quum, tum ex domini Stefani literis, tum vero ex domini Foxi relatu cognovimus, quantâ fide, industriâ, ac vigilantiâ usi sitis in ejusdem regiæ majestatis conficiendo negocio, quem vestrum animum, etsi sæpe antea arduis in rebus exploratissimum certissimumque haberemus, hoc tamen tam claro testimonio nunc esse comprobatum mirifice lætamur, nihil enim a vobis omissum perspicimus, 39 quod votum nostrum utcunque juvare potuisset.

Cæterum quum nonnulla adhuc meo, aliorumque doctissimorum virorum judicio superesse videantur, ad regiæ majestatis causam securissime stabiliendam finiendamque de quibus ad dominum Stefanum impræsentia perscribo; vos iterum atque iterum rogo, ut de illis impetrandis apud sanctissimum dominum nostrum una cum domino Stefano vestram gratiam et authoritatem, quam apud ejus sanctitatem maximam esse et audio et gaudeo, pro viribus interponatis, maxime autem ut in commissione illâ decretali a sanctissimo domino nostro nullis arbitris seu consultoribus admissis concedendâ, et secreto ad me mittendâ, omnes vires ingenii, prudentiæ, diligentiæque vestræ adhibeatis, affirmabitisque et in salutem animamque meam eidem sanctissimo domino nostro spondebitis, quod dictam bullam secretissime nullis mortalium oculis conspiciendam apud me asservabo, tantâ fide et cautione, ut ne minimum quidem ex eâ re periculum, vel periculi metum ejus sanctitas sit sensura; non enim eo consilio aut animo eam commissionem impetrari tam vehementer cupio, ut vel illius vigore ullus processus aut aliud præterea quicquam ageretur, vel eadem publice privatimve legenda ulli exhiberetur, sed ut hâc quasi arrâ et pignore summæ paternæque sanctissimi domini nostri erga regiam majestatem benevolentiæ apud me deposito, quum videat nihil illi denegaturum quod petierit, perspiciatque tantum fidei ejus sanctitatem in me reposuisse, sic mea apud dictam majestatem augeatur authoritas, ut quanquam vires omnes suas opesque

apostolicæ sedis conservationi et in pristinum statum reparationi suâ sponte dicaverit, me tamen suasore et consultore omnia imposterum, et cum sanguinis effusione sit concessura et effectura, quæ in ejusdem sedis et suæ beatitudinis securitatem, tranquillitatem et commodum, quâquam ratione cedere poterunt[20].

Number XV. [p. 57.]

The breve of pope Julius for the king's marriage; suspected to be forged.

JULIUS papa secundus. Dilecte fili et dilecta in Christo filia, salutem et apostolicam benedictionem. Cotton lib. Vitell. B. xii. [?] [ap. Herbert, p. 266.]

Romani pontificis præcellens authoritas concessâ sibi desuper utitur potestate, prout (personarum, negotiorum et temporum qualitate pensatâ) id in domino conspicit salubriter expedire. Oblatæ nobis nuper pro parte vestrâ petitionis series continebat, quod cum alias tu filia Catharina, et tunc in humanis agens quondam Arthurus charissimi in Christo filii nostri Henrici Angliæ regis illustrissimi primogenitus, pro conservandis pacis et amicitiæ nexibus et fœderibus inter præfatum Angliæ regem, et charissimum in Christo filium nostrum Ferdinandum regem, et charissimam in Christo filiam nostram Elizabetham reginam catholicos Hispaniarum et Siciliæ, matrimonium per verba legitime de præsenti contraxeritis, *illudque carnali copulâ consummaveritis*, quia tamen dominus Arthurus prole ex hujusmodi matrimonio non susceptâ, decessit, et hujusmodi vinculum pacis et connexitatis inter præfatos reges et reginam ita firmiter verisimiliter non perduraret, nisi etiam illud alio affinitatis vinculo confoveretur et confirmaretur, ex his et certis aliis causis, desideratis matrimonium inter vos per verba legitime de
40 præsenti contrahere: sed quia desiderium vestrum in præmissis adimplere non potestis, dispensatione apostolicâ desuper non obtentâ, nobis propterea humiliter supplicari fecistis, ut vobis

[20] [There is in the State Paper Office a duplicate of this letter with a few verbal differences, bearing the date of the 10th of May. See State Papers, vol. vii. p. 68.]

providere in præmissis de dispensationis gratiâ et benignitate apostolicâ dignaremur.

Nos igitur qui inter singulos Christi fideles, præsertim catholicos reges et principes, pacis et concordiæ amœnitatem vigere intensis desideriis affectamus, his et aliis causis animum nostrum moventibus, hujusmodi supplicationibus inclinati, vobiscum, ut aliquo impedimento affinitatis hujusmodi ex præmissis proveniente non obstante, matrimonium inter vos contrahere, et in eo postquam contractum fuerit, remanere libere et licite valeatis, authoritate apostolicâ per præsentes dispensamus; et quatenus forsan jam matrimonium inter vos de facto publice vel clandestine contraxeritis, ac carnali copulâ consummaveritis, vos et quemlibet vestrûm ab excessu hujusmodi, ac excommunicationis sententiâ quam propterea incurristis, eâdem authoritate absolvimus, ac etiam vobiscum ut in hujusmodi matrimonio sic de facto contracto remanere, seu illud de novo contrahere, inter vos libere et licite valeatis, similiter dispensamus, prolem ex hujusmodi matrimonio sive contracto sive contrahendo suscipiendam legitimam decernendo. Volumus autem, si hujusmodi matrimonium de facto contraxistis, confessor, per vos et quemlibet vestrum eligendus, pœnitentiam, quam adimplere teneamini, propterea vobis injungat.

Dat. Romæ apud Sanctum Petrum sub annulo Piscatoris, die 26 Decembris, [anno incarnationis dominicæ] millesimo quingentesimo tertio, pontificatûs nostri anno primo.

Sigismundus[21].

[21] [The editor has been unable to find this document amongst the Cotton MSS. It seems to have been carelessly reprinted by the author from the copy in lord Herbert's History of the Life and Reign of Henry VIII, from which it has been corrected. In the last line but one the copy in Herbert, as well as that printed in the folio editions of Burnet, omits the words *anno incarnationis dominicæ*.]

Number XVI. [p. 58.]

[Rome, 31 Dec. 1528.]

A part of the cardinal's letter to Gregory Cassali, desiring leave to shew the decretal bull to some of the king's council. A duplicate.

ILLUD igitur video maxime necessarium superesse, ut decretalis bulla, quam reverendissimus dominus legatus secum defert, secreto legenda exhibeatur nonnullis ex regiis consultoribus, eo quidem consilio, non ut in judicium proferatur, vel ad causam definiendam adhibeatur, sed solum ut perspicientes illi, quorum prudentia et autoritas non parva est, nihil a me fuisse omissum, quod causam regis possit securissimam reddere, omniaque fuisse a sanctissimo domino nostro concessa, quæ in causæ firmamentum ullo pacto queant excogitari facilius, ubi regiæ majestatis securitati, regni quieti, et perpetuo totius rei stabilimento undique consultum viderint, in sententiam nostram deveniant, summâque cum diligentiâ et authoritate apostolicâ ad Dei gloriam cuncta rectissime absolvantur. Proinde, domine Gregori, iterum atque iterum vos impense rogo, ut ad sanctissimi domini nostri genua devoluti ejus beatitudinem meo nomine obsecretis, ut hoc reliquum meæ fidei meæque dexteritati de bullâ decretali ostendendâ committere velit, quam rem sic moderabor, ut nullum prorsus periculum, nullum damnum, nullum odium queat unquam sibi, vel sedi apostolicæ provenire; hocque tam instanter precor, ut pro salute meâ conservandâ petere queam ardentius nihil. Cotton lib. Vitell. B. x. [fol. 192.]

Number XVII. [p. 58.] 41

[Rome, 17 Dec. 1528.]

John Cassali's letter about a conference he had with the pope. An original.

Cotton lib. Vitell. B. x. [fol. 164.]

REVERENDISSIME ac illustrissime domine, domine mi colendissime, &c. Quum tabellarius dominationis vestræ reverendissimæ cum ejus mandatis literisque die secundo Novembris[22] datis, Bononiam ad equitem fratrem pervenisset, neque ipse tunc posset præ debilitate properatis itineribus Romam venire, ne ad eam rem longioris temporis moram interponeret, misit per dispositos equos dominum Vicentium Casalium fratrem nostrum patruelem, volens ipsum statim subsequi; venit igitur dominus Vicentius Casalius. At ego vestræ dominationis reverendissimæ literis lectis ac perpensis, sanctissimum dominum nostrum adivi, et ea quæ dominatio vestra reverendissima scripserat, diligenter ejus sanctitati exposui, ipsasque etiam literas recitavi, quæ prudentissime et efficacissime omnia explicabant. Atque hujusmodi verbis sum loquutus.

Non locus hic nec tempus postulat, beatissime pater, ut ego nunc commemorem, quanto amore, quanto animi affectu, quibusve officiis illa regia majestas apostolicam sedem sanctitatemque vestram sit ubique omni tempore prosequuta, quantâque observantiâ ac fide reverendissimus dominus Eboracensis semper coluerit; nec recensendum hic videtur, quot labores, quot incommoda subiverint, quæ officia, quas multoties impensas effecerint, quærentes ecclesiasticum statum, Christianam religionem, et catholicam fidem protegere ac conservare; nec vestra sanctitas ignorare debet, quibus laboribus, quantis precibus, quot tabellariis, quot oratoribus missis, quot non dicam literis, sed voluminibus conscriptis, post multa insuper jurisperitorum consilia, tum ex Angliâ allata, tum hic etiam formata, fuerit tandem a vestrâ sanctitate impetratum, ut res eo, quo fuit pacto, componeretur: quâ ratione regiæ majestatis desiderio

[22] [The allusion is to a letter from Wolsey dated 1 Nov. 1528, and addressed *Magnifico domino Gregorio Equiti Casalio, potentissimi domini Angliæ et Franciæ regis, &c. apud sanctissimum dominum nostrum oratori, ejus absentiâ, domino Jo. Casalio, ipsius fratri.* It is printed in State Papers, vol. vii. p. 102.]

indulgebatur, et beatitudinis vestræ honori ac conscientiæ, justitiæque et equitati consulebatur. At nunc sanctitas vestra animadvertit illos, præter omnium nostrûm spem et opinionem, omni auxilio penitus esse destitutos: reverendissimus Campegius non modo non ostendit, se adeo urgentibus precibus serenissimi regis obtemperare velle; sed ut primum ad colloquium venit, rem totam pervertit, regiam majestatem a divortio dissuasit, perinde ac si ei legatio demandata fuerit, ut serenissimo regi ex parte reginæ persuadere debeat, ut se a divortio abstineat, adeo ut non possit regia majestas stimulum hunc conscientiæ ex suo pectore evellere, semperque in eâ mentis perturbatione illi sit permanendum, ut omnibus horis cogitet successorem sui regni ex suo sanguine defuturum. Neque adhuc reverendissimus Campegius ullam significationem dedit, velle se ad id exequendum descendere, quod priore illâ generali commissione continetur; verum, quod pejus etiam est, quum multis precibus bulla decretalis in hâc causâ regiâ impetrata fuerit, promiseritque vestra sanctitas se permissurum ut serenissimo regi ac reverendissimo Domino Eboracensi ostenderetur, et eorum manibus crederetur, quam ipsi aliquibus ex secretissimis consiliariis ostenderent, ut serenissimus rex de totius negocii æquitate instructior fieret, noluit reverendissimus Campegius eam
42 credere serenissimo regi, aut reverendissimo domino Eboracensi, suo in eâ causâ collegæ. Cur autem velit vestra sanctitas regiam majestatem in eam spem adduxisse, ut deinde hoc pacto illam frustretur ac deludat? Tunc sanctissimus dominus noster injectâ in meum brachium manu, me ulterius loqui prohibuit, se irâ accensum non abscondens, dixitque non parum sibi de dominatione vestrâ reverendissimâ conquerendum esse, atque sub ejus fide se deceptum esse; bullam decretalem dedisse, ut tantum regi ostenderetur, concremareturque statim: ad hoc me (inquit) multis ille magnisque precibus me protraxit, ostendens, si id non daretur, manifestam suæ saluti ruinam impendere; nunc autem eam bullam, quæ debuit esse secretissima, vult divulgare, neque unquam se promisisse concessurum ut consiliariis ostendatur; literas (inquit) ipsas reverendissimi Eboracensis proferre possum, quibus id tantum, quod dixi, petit, et ipsum equitem Casalium testem volo, quod dominus Stephanus Gardinerus et ipse nihil aliud a me postulaverunt, nec si postulâssent, quicquam amplius obtinuissent. Atque utinam aliter rem petissent,

eam namque facile denegâssem, nec ad hanc pœnitentiam venissem, ex quâ vel unius digiti jacturâ (modo fieri posset) quod factum fuit revocarem, video enim quantum mali ex eo mihi subeundum sit. Quum sanctissimus dominus noster hæc et similia contra suum morem dixisset, ego in eam sententiam subsequutus, sciendum esse, quod dominatio vestra reverendissima petit, non esse, ab eo quod ejus sanctitas constitutum fuisse dicit alienum, nec dominatio vestra reverendissima hanc rem divulgari velle, aut secundum eam bullam sententiam ferri; cæterum regiæ majestati et sibi tradi, ut possent aliquibus fidelioribus carioribusque consiliariis ostendere, ut ipsi de re totâ fiant instructiores, quod perinde arcanum erit, ac si in nullius notitiam devenisset. An non (inquam) sanctitas vestra plerosque habet quibus quum aliquid arcanum crediderit, putet id non minus celatum esse, quam si uno tantum pectore contineretur? Quod multo magis serenissimo Angliæ regi evenire debet cui singuli in suo regno sunt subjecti, neque etiamsi velint, possunt regi non esse fidelissimi: væ namque illis si vel parvo momento ab illius voluntate recederent. Quid hoc præterea obesse potest? an non sic petitum, sic constitutum fuit? quæ ratio sanctitatem vestram propositum mutare cogit? Ibi pontifex iracundius, et concitatius etiam quam paulo ante; Haud (inquit) ita fuit constitutum, nec me latet, quid de eâ bullâ facere cogitent, et cujusmodi ex eo mihi damnum redundaturum sit; firmum igitur illud habeatis, me decrevisse, neque sententiam muto, nolle quicquam amplius hâc in re permittere. At ego, nolit (quæso) vestra sanctitas sic ex certâ animi sententiâ loqui, at potius in his literis reverendissimi domini Eboracensis consideret damna, ruinas, hæreses, quæ vestræ sanctitatis culpâ in illo regno orirentur: regia enim majestas, male a vestrâ beatitudine tractata, injuriâ, et ignominiâ affecta, studium et voluntatem, quam semper optimam in sedem apostolicam habuit, in contrariam partem convertere posset, hoc est beatitudini vestræ toto pectore considerandum. Esto quod de hujus negocii æquitate disceptatum non sit, concedamus etiam hanc rem malam, et mali exempli futuram (quod quidem secus esse judicaverunt omnes) an non vestra sanctitas novit pleraque quæ non bona sunt, perferri nonnunquam a nobis solere, ne pejora patiamur; atque hoc tum aliis in rebus, tum imprimis hæresûm evitandarum causâ providendum est, quas videmus, quum semel

altiores radices egerint, non posse amplius extirpari : atque ibi ad illius pedes genibus flexis, eam precibus omnibus sum
43 obtestatus, ut amicitiam potentissimi regis conservare, observantiam dominationis vestræ reverendissimæ erga ejus sanctitatem, nostramque servitutem respicere vellet; relictâ namque regiæ majestatis amicitiâ, religionis imminutio subsequeretur, et regni illius a tam antiquâ cum sede apostolicâ conjunctione dissolutio, ac dominationis vestræ reverendissimæ gratia et autoritas apud serenissimum regem non suo merito deficeret, ejusque fortasse salus periclitaretur; nos autem qui semper beatitudini vestræ inservivimus, pro quâ tot bonis officiis functi sumus, et tantum operæ perfecimus, ad integram amicitiam inter regiam majestatem et vestram sanctitatem conservandam, in medio nostrarum actionum, regni illius damna et calamitatem, nostramque certissimam ruinam conspiceremus. Ad hæc sanctissimus dominus noster et brachiorum et totius corporis agitatione, animum commotum ostendens, Volo (inquit) ego ruinam, quæ mihi modo immineat, considerare, et id ipsum quod feci valde me angit; si hæreses, vel alia mala oritura sunt, quænam in eo mea culpa erit? satis meæ conscientiæ fuerit me vacâsse culpâ, cui essem obnoxius, si hoc etiam quod nunc ex me petitur concederem. Nec reverendissimus dominus Eboracensis, nec vos ullam causam de me conquerendi habetis. Quicquid nunc pollicitus sum præstiti, neque aliud unquam, cujus mihi faciendi esset facultas, regia majestas et reverendissimus dominus Eboracensis a me petierunt, quod non promptissime concesserim, ut quisque facile intelligat, quanti eos semper fecerim; ad aliqua etiam vestri causâ faciliorem me præbui. Cæterum ubi vertitur meæ conscientiæ integritas, omnia posthabenda censeo. Agant per se ipsi quod volunt, legatum remittant eo prætextu, quod in causâ ulterius procedi nolint, et deinceps ut ipsi volent rem conficiant, modo ne me autore injuste quicquam agatur. Tum ego, Nonne vestra sanctitas vult, ut ex vigore commissionis procedatur? quod quum velle affirmâsset, dixi, igitur reverendissimus Campegius sanctitatis vestræ voluntati adversatur, divortium enim regi dissuasit; At pontifex, ego (inquit) illi imposui, ut divortium regi dissuaderet, persuaderet reginæ; quod autem ad commissionem pertinet, si requiratur, exequetur. Sumus ergo (inquam) concordes, beatissime pater, quod quum ita sit, quid nocere poterit decretalem bullam aliquibus secretissimis ac juramento adactis consiliariis ostendisse? Tum quas-

sans caput, Scio (inquit) quid de eâ facere constituant, verum nondum Campegii literas ex Angliâ legi, quapropter die crastino ad me redibitis. Hoc pacto sanctissimus dominus noster primo die me dimisit. Affuit his sermonibus dominus Vicentius Casalius, quem ab equite fratre huc missum dixi, qui equitem ipsum excusavit, quod quamvis ille animadverteret negocium hoc tanti momenti esse, ut etiam cum vitæ discrimine Romam per dispositos equos sibi properandum esse videret, nihilominus supersedisse, videns quod si id fecisset necesse sibi futurum domi, et in lectulo, permanere potius, quam de re tantâ coram ejus sanctitate agere. Atque interim dominus Vicentius multas rationes ad persuadendum, equitis Casalii nomine adhibuit, quas eodem pacto ejus sanctitas in sequentem diem rejecit.

Postridie ejus diei signatura habita est, cui ego tanquam referendarius interfui, in vesperumque est protracta, nec judicavi oportunum pontificem signaturæ munere defessum aggredi, quum præsertim ejus sanctitas diceret se nondum Campegii literas perlegisse. Res igitur iterum in diem proximum rejecta fuit, quo postea horam commodam nactus, pontificem adivi, quumque omnium capitum quæ dominationis vestræ re- 44
verendissimæ literis continebantur, quasi summam effecissem, ne quicquam per oblivionem præterirem, ab eâ primum parte cœpi, in quâ dicitur suam sanctitatem concessisse commissionem generalem in amplissimam formam, et promisisse ferendam sententiam se ratificaturam. Pontifex hoc verum esse affirmavit, dicens se contentum esse, ut ad sententiam procedatur; quâ vero parte est, ejus sanctitatem bullam decretalem concessisse, ut secretiores regiæ majestatis consiliarios instrueret, id a veritate longe remotum dixit, posseque ad id se literas dominationis vestræ reverendissimæ ostendere: atque ea repetivit, quæ priore die super hoc dixerat, videlicet dominum Stephanum Gardinerum et equitem Casalium se testes habere, hanc bullam non eâ conditione petitam fuisseut ostenderetur cuiquam, præterquam serenissimo regi et dominationi vestræ reverendissimæ, et Campegium nunc ad se scribere tantundem effecisse; quo facto ex conventione bullam comburi debere; permissurum quoque se dixit, ut si quæ allegantur, probentur, ad sententiam ferendam procedatur, seque id ratum habiturum. Quumque ego quæsissem an vellet, quæ fierent per eam bullam comprobare, minime id oportere dixit; negavit quoque eam consiliariis ostendendam esse, qui tametsi rem bonam non judicarent, approbarent tamen super

ejus sanctitatis conscientiam; ac sæpius interim repetivit, non esse amplius in eâ re commorandum. Ad aliam igitur partem deveni, in quâ dominatio vestra reverendissima dicit, reverendissimum Campegium divortium inter regem serenissimum et reginam conatum dissuadere: Tum pontifex Campegium scribere dixit, eo se etiam functum officio, ut reginæ divortium persuaderet, quam ab eo alienam invenerit; modeste tamen eam, ait, locutam fuisse, et consiliarios petiisse qui ex Hispaniâ denegati fuerint, ex Flandriâ autem concessi. Dixit etiam sanctissimus dominus noster se literas ad regem, reverendissimo Campegio ex suo chirographo dedisse, ut regia majestas fidem his haberet, quæ reverendissimus Campegius suæ sanctitatis nomine diceret. Ad illam deinde partem deveni, ubi est: *Causam regis perinde differt, ac si nolit ad judicium, sententiamque in partem suæ majestatis ferendam descendere, donec sanctissimum dominum nostrum certiorem prius effecerit, de his ad hanc causam concernentibus, quæ ibi vidit et audivit.* Ad hæc respondit, Campegium quandocunque requisitus fuerit, processurum, neque de supersedendo commissionem habere; se tantum injunxisse, ut quum procedi cœptum esset, se certiorem faceret, ne tamen interim moræ aliquid interponeretur. At ubi est, *Nullo pacto adduci vult, ut mihi suo collegæ commissionem hanc decretalem credat;* dixit verum id esse; ideo factum ne pluribus palam fieret; eâque conditione quâ petitum fuit ostensam, nequicquam amplius expectandum, ea repetens, quæ prius etiam circa hoc dixerat. At ego, Videat sanctitas vestra quod ex his verbis, quæ hic scripta sunt loquor, quæ dicunt sanctitatem vestram commissionem decretalem concessisse, eâ conditione ut aliquibus regiis consiliariis ostenderetur. Tum pontifex iterum excandescens; Ostendam (inquit) literas ipsius reverendissimi Eboracensis nec loquor mendacia, et non minus meis verbis, literisque prioribus reverendissimi Eboracensis fides est habenda quam his quas nunc affertis. Tum ejus sanctitatem mitigare quæsivi, si nimis[22] urgenter mandata exequerer, quoniam ita a me fieri oporteret. Quod ad regni ruinas, damna, calamitates, scandala, et diminutionem religionis, multa in eandem sententiam dixit, in quam primo die locutus fuit; quum diceret, egregium vero decus serenissimo huic regi fuerit, si ipse, qui fidei defensor et sit et appelletur,

[22] [This word was printed *minus* in the folio editions; it is burnt, and is scarcely legible.]

qui libros etiam pro ejus defensione ediderit, eandem nunc impugnare cogatur; ad hæc quam recte sint venturi, viderint ipsi. Eo autem loco, in quo dicebatur aliquid de regio negocio, inter generalem fratrum de observantiâ, et ejus sanctitatem convenisse, et eo autore fœdus inter ejus sanctitatem et Cæsarianos esse componendum; dixit, id ostendere, quod de regio negocio nihil promiserit, quod quæcunque pollicitus sit, et quæ poterit habitâ ratione suæ conscientiæ, re ipsâ præstare velit: in eo autem quod de pace tractandâ affertur, dixit, se nullum modum in tali negocio invenire, neque se adhuc scire, quod iste generalis ullas pacis conditiones sit allaturus; atque ea insuper addidit, quæ meis literis die decimo quinto Novembris datis dominationi vestræ reverendissimæ significavi.

Aliis deinde diebus sanctissimum dominum nostrum sæpissime sum alloquutus, qui decrevit cum reverendissimis De Monte et Sanctorum Quatuor cardinalibus de his rebus omnibus loqui, præterquam de bullâ decretali, de quâ cum nemine vult ullam fieri mentionem, jussitque ex omni scripturâ ejus memoriam eximi. De reliquis itaque rebus omnibus loquutus sum cum his duobus cardinalibus qui dixerunt pontificem contentum fore, ut ad sententiam procedatur, tametsi id plerisque alienum videatur: deque eo nonnulli ex cardinalibus cum obtrectatione loquuntur, et Cæsaris orator, ne procedatur, protestatur, voluntque fieri in curiâ causæ advocationem, commissionemque cum inhibitione ad partes; dicuntque hi duo reverendissimi, quod quæ postulant illi, justa sunt, nec minimo cuiquam denegari possent, nolle tamen regiæ majestatis causâ sanctissimum dominum nostrum quicquam ex eo quod factum sit immutare.

Quum alio etiam die pontificem ociosum nactus essem, multa cum ejus sanctitate, de rebus præteritis disserui, deque eo, quod ego ad ejus utilitatem cum Venetis egissem, quoniam scirem serenissimi regis, et dominationis vestræ reverendissimæ voluntatem esse, ut quotiescunque occasio daretur, pro suæ sanctitatis commodo omnia fierent: exposui deinde quantopere elaborâssem pro negocio Cerviæ et Ravennæ, utque multa Gallici oratores egissent a dominatione vestrâ reverendissimâ potissimum instigati; addidi etiam efficacissima verba, quibus usus est dominus Stephanus Gardinerus. Ad omnia sanctissimus dominus noster respondit, se eâ de re regiæ majestati,

ac dominationi vestræ reverendissimæ gratias habere, et mihi quoque gratias egit; dixitque, Non tamen omnes simul tantum efficere potuistis, ut mihi meæ civitates redderentur. Scitis autem conditiones fœderis in quo ego quoque eram, fuisse, ut quum quis nostrum injuriâ afficeretur, ab eo cæteri confœderati injuriam propulsarent, quod multo magis pro me faciendum erat, quum qui in ipso fœdere essent, mihi injuriarentur; et inde Cæsariani volunt mihi persuadere Venetos non fuisse id facturos, si putâssent regi Angliæ aut Christianissimo displiciturum: neque interim desistunt, multa, magnaque mihi polliceri, unde ego quod alias etiam dixi, id quod offertur, quum aliter facere nequeam, accipere cogar. Illudque etiam vos scire volo promissum mihi fuisse, si legatus hic in Angliam mitteretur, futurum ut mihi civitates a Venetis restituerentur. Tum ego, Non omnia, beatissime pater, adhuc sunt perfecta, rex enim
46 potentissimus omnino operam dabit, ut illæ civitates beatitudini vestræ restituantur: An non, quæ ejus majestas scribit, vestra sanctitas animadvertit? Cui videndum imprimis est, ne de ipsâ serenissimo regi sit conquerendum. Et ex hâc occasione iterum ad regiam causam redii. At ejus sanctitas dixit, se omnia quæ potuisset pro regiâ majestate et dominatione vestrâ reverendissimâ fecisse, facturamque etiam libenter.

Nonne igitur (inquam) posset ratio aliqua inveniri, quâ concederetur eam bullam aliquibus ex secretioribus consiliariis ostendi posse? Tum pontifex, Non (inquit) Non potest hoc fieri, nec a me impetrari; quod si ullo modo fieri potuisset, minime tam multas magnasque preces a serenissimo rege, et reverendissimo domino Eboracensi expectâssem; quumque quibusdam validis argumentis instarem, prohibuit me ulterius de hujusmodi re loqui. Nolui ego unquam dicere, equitem fratrem brevi esse venturum, ne pontifex rem in illius adventum protraheret, eâ tantum de causâ, ut moram interponeret.

Omnibus deinde aliis diebus super eodem negotio institi, nunquam tamen pontifex sententiam suam ullâ ex parte immutare voluit; tantum illud decrevit, Nuntium mittere velle, qui suam sententiam verbis explicaret: quumque nulla mihi amplius spes relinqueretur quicquam amplius impetrandi, tum demum dixi, equitem fratrem Romæ futurum sequenti die, qui quum adeo gravis momenti rem cerneret, noluerit suæ valetudini consulere, et quod is minime putâsset, suæ servitutis in ejus

sanctitatem merita hoc modo male tractanda fuisse. Gratum sibi dixit pontifex equitis adventum fore, quodque cum ipso et constituerentur omnia, negans tamen se ullo pacto id quod nunc petitur concessurum : Venit itaque eques frater, qui non secus ac si nunquam quisquam de hâc re cum pontifice egisset, singula de integro tractavit, omnibus his modis et rationibus tentatis quæ excogitari potuerunt. Quæ omnia minutim dominus Vicentius Casalius noster patruelis, quem ad ipsum mittimus, verbis coram explicabit, egoque ne dominationi vestræ reverendissimæ jam nimis molestus sim, de hâc ulterius non scribam.

Quod ad Wintoniensem expeditionem spectat, multum hi reverendissimi domini cardinales offendebantur, nunc ab ipsis pecuniarum remissiones postulari, quum deprædata eorum bona sint, ipsique propter id ad paupertatem redacti. Quibus ego ostendi, majus emolumentum ad ipsos venturum, si dominatio vestra reverendissima unam ecclesiam acciperet, alteram deponeret, quam si alter tantum Wintoniensis ecclesiæ expeditionem faceret; neque dominationem vestram reverendissimam nimis hanc permutationem optare dixi, quum Wintoniensis non multo ecclesiâ Dublinensi[23] sit ditior. Ad hæc dixerunt, quod libentius dominationi vestræ reverendissimæ quam cuiquam alteri erunt gratificaturi, quoniam ipsa de sede apostolicâ sit semper bene merita, non tamen se vereri, quin dominatio vestra reverendissima Wintoniensem ecclesiam illius regni primariam sit acceptura. Ego quum pontificem, et deinde cardinales eos qui magis rebus nostris student ambissem, effeci, ut pontifex de eâ re in consistorio referret, quod ejus sanctitas effecit, multis etiam additis laudibus dominationis vestræ reverendissimæ, quibus aliqui cardinales, et maxime Neapolitani, responderunt ea quæ superius dixi. Illud tandem decreverunt, quod quum dominatio vestra reverendissima solvere debeat, pro expeditione Wintoniensis ecclesiæ, et pro retentione ecclesiæ Eboracensis et abbatiæ Sancti Albani, habitâ ratione totius summæ, ejus pars dimidia vestræ dominationi reverendissimæ condonaretur, adeo ut ad tredecim vel quatuordecim millia aureorum remit- 47
tant, et non multo plus eo, quod pro Wintoniensi tum ecclesiâ deberet solvere. Id reverendissimis cardinalibus ideo displicebat, quoniam nollent res hujusmodi in exemplum trahi, quum præsertim magnus Franciæ cancellarius, ipse quoque in magnâ

[23] [This is a mistake of the writer's for *Dunelmensi* which was printed in the folio editions.]

quâdam expeditione, id ipsum in præsentiâ flagitet, quod isti concedere nolunt.

Cætera ex domino Vicentio dominatio vestra reverendissima copiosius coram intelligat; quæ bene valeat.

Datum Romæ die 17 Decembris 1528.

Humillimus servus
Jo. Casalius,
Prothonotarius

[*Reverendissimo ac illustrissimo Domino, Domino Thomæ cardinali Eboracensi Angliæ legato de latere, &c. Domino meo colendissimo.*]

Number XVIII. [p. 61.]

The pope's letter to the cardinal, giving credence to Campana. An original.

Dilecto filio nostro Thomæ Sanctæ Ceciliæ presbytero cardinali Eboracensi, in regno Angliæ nostro et sedis de latere legato.

DILECTE fili noster, salutem et apostolicam benedictionem. Existimavimus non tam commode per literas responderi posse his, de quibus postremo oratores carissimi in Christo filii nostri istius regis nobiscum egerunt; itaque proprium hominem Franciscum Campanam familiarem nostrum istuc mittimus, ex quo sua serenitas ac circumspectio tua plenius intelligent quæ nobis occurrant, tam de rebus ad pacem et publice ad universam Christianitatem spectantibus, quam super privatis serenitatis suæ, de quibus nobis per literas et oratores vestros significâstis, quas quidem summopere cordi habemus. Circumspectionem tuam hortamur, ut sibi ac serenitati suæ persuadeat nos paternam benevolentiam atque animum gessisse et gerere erga serenitatem suam, ab eodemque amore proficisci omnia quæcunque illi significamus; Cotton lib. Vitell. B. x. [fol. 163 b.]

Ut pluribus circumspectionem tuam, quam merito multum amamus, exponet dilectus filius cardinalis Campegius legatus una tecum noster, ac dictus Franciscus, quibus plenissimam fidem habebis.

Datum Romæ, 15 Decembris MDXXVIII.

Number XIX. [p. 61.]

Rome 1 Decemb. 1528.

A part of Peter Vannes' instructions, directing him to threaten the pope. An original.

Cotton lib. Vitell. B. x. [fol. 157 b.]

THE said M. Peter, as of himself, shall apart say unto his holiness: Sir, I being an Italian, cannot but with a more fervent zeal and mind than another, study and desire the weal, honour and safety of your holiness and the see apostolic; 48 which compelleth me to shew unto your holiness, frankly, what I see in this matter. Surely, sir, in case your holiness continuing this particular respect of fear of the emperor, do thus delay, protract, and put over the accomplishment of the king's so instant desire in this matter, and not impart unto his majesty therein bounteously of the treasure and goods of the church, and see apostolic, *quantum potestis ex thesauro ecclesiæ et ex plenitudine potestatis ac authoritate a Deo vel ecclesiâ collatâ;* I see assuredly, that it will be a means so to alien the fast and entire mind which his highness beareth to your said holiness, as not only thereby his grace, nobles, and realm, but also many other princes his friends and confederates, with their nobles and realms, shall withdraw their devotion and obedience from your holiness, and the see apostolic, studying how they may acquit this your ingratitude, in the highest cause that can be devised, shewed, and so long continued with the semblable. And therefore, sir, at the reverence of Almighty God, cast not from you the heart of this noble virtuous prince, who finally cannot fail, the peace had, which Christendom may not long forbear, to have in his puissance, such a stay as may be able, in the highest and largest manner, to recompense his friends, and to acquit the contrary.

Henry R.

Number XX. [p. 63.]

The cardinal's letter to the ambassadors about his promotion to the popedom. An original.

Magnifico equiti domino Gregorio Casalio ac domino Petro Vanni, serenissimi domini Angliæ et Franciæ regis in Romanâ curiâ oratoribus, &c.

MAGNIFICE domine Gregori et domine Petre salutem. Sicuti incommodissimus totius reipublicæ Christianæ, ac potissimum regiæ majestatis negociis sanctissimi domini nostri obitus accidit, ita etiam vos non latere puto quantum periculi et discriminis hujus serenissimi regis saluti et honori, ac regni sui quieti ab hâc futuri pontificis electione immineat, et quantopere vobis adnitendum, ac vestro studio, diligentiâ, industriâ et prudentiâ occurrendum et obstandum sit, ne aliquis eligatur pontifex alienus ab hâc regiâ majestate; et quid pro me promovendo facere ac tractare debetis, cumulate per communes meas literas vos admonui: nec oportet per has quicquam aliud replicare, quas solum ad vos scribere volui, ut significem vobis me totum hoc gravissimum et omnium maximum negocium, de quo acturi estis, vestræ prudentiæ, fidei, et dexteritati, quam longo temporis usu exploratissimam habeo, committere et credere, speroque vos spei et opinoni meæ de vobis conceptæ omnino responsuros. Et bene valete.

Cotton lib. Vitell. B. x. [fol. 72 b.]

Londini die 6 Februarii M.D.XXVIII.

Vester amantissimus frater,

T. Car[lis] Ebor.

Number XXI. [p. 65.]

[Rome 21 May 1529.]

An information given to the pope about the divorce. An original. 49

Adnotatio summaria eorum quæ aliis libellis fusius explicata sanctissimo domino nostro tum licere, tum expedire, persuadeant, ut in causâ regiæ majestatis sententiam divortii ferat.

Cotton lib. Vitell. B. xi. [fol. 117.]

PRIMUM licet atque etiam expedit dirimere hoc matrimonium, quod juri tum divino tum humano repugnat.

Divinum enim jus duci prohibet uxorem fratris, quum hic fratris uxorem ductam fuisse sit notorium.

Humanum vero jus, duo hujus matrimonii impedimenta continet, alterum affinitatis, quod divino jure inductum severissime sancivit; alterum publicæ honestatis justitiæ, quod promulgavit Deus; si ex diffinitione matrimonii, divini, humanique juris commutatio interveniret, quibusnam auspiciis hoc matrimonium constare dicemus, quod utroque jure adversante ac repugnante contractum est, coit, et utcunque consistit?

Sed cessavit, inquiunt, in hâc specie juris utriusque prohibitio per gratiam et dispensationem summi pontificis.

Respondetur quidem istis, multis modis. Principio non esse videri, quod nullum est, nullum autem haberi quod sine authoritate legitimâ fiat; denique pontificis authoritatem non eâtenus pertinere, ut in gradibus divinâ lege prohibitis dispensare possit: non opinionibus scripturientium, qui pontificis authoritatem imminutam velint, sed ipsius pontificis sententiâ constat, quem suæ jurisdictionis modum, et optime novisse et ampliare velle potius quam restringere credendum est; quæ quum ita sint, etiam si humani juris prohibitio per dispensationem sublata videatur, manet nihilominus immotum, quod divinum est, si ipsis contra seipsos credimus pontificibus.

Deinde, ut posse pontifices dispensare fateamur, et in câ parte tribuamus plus authoritatis quam ipsi sibi ipsis audeant arrogare, tamen non passim, non quocunque modo, non temere, et sine omni consideratione, posse eos dispensare; atque faten-

dum est ne suo testimonio dissipatores verius, quam dispensatores appellentur. Itaque ut causam urgentissimam et evidentissimam, tum etiam manifestissimam debet habere dispensatio, precibus denique veris, non ementitis atque confictis inniti.

In dispensatione autem quâ constat hoc matrimonium, verbis quidem pacis causâ proponitur, sed non ideo quia sic refertur, re ipsâ subsistit. Pontificis facta non ad verborum superficiem, sed rei ipsius solidam veritatem expendi convenit.

Certum est, pacem multis modis, tum firmissimam fuisse unoque matrimonio conciliatam, pactorum denique ac fœderum vi constantem, istud necessario matrimonium non desiderâsse, et jam dispensationem sine causâ intervenisse dicamus, et consequenter nullam esse, manereque adhuc divinam prohibitionem atque adeo et humanam.

Porro etiam, si aliqua sit, et causam haberet, tum mendaciis
50 conflata est, subreptitia et obreptitia merito appellanda, jure tum divino, tum humano reprobata.

Nam quum quod alioqui canonibus cautum sit, ipsius etiam dispensationis prohemium contineat, " Romani pontificis autho- " ritatem concessâ sibi desuper uti potestate, prout personarum, " causarum, et temporum qualitate pensatâ, id in Domino salubri- " ter conspicit expedire ;" Quomodo potuit sanctissimus dominus noster hujus serenissimi regis qualitates pensare quas ignoravit? Neque enim de ætate quicquam, quæ in contrahendo hoc matrimonio præcipua qualitas erat, narrabatur, et tamen illum annum eo tempore duodecimum non excessisse notorium est ; et tacitâ ad hunc modum ætate, mendacium pro causâ suggestum est manifestissimum ; cupiisse videlicet tunc serenissimum regem contrahere matrimonium, ad hoc ut pacis fœdera continuarentur : facti veritas est, tum quid ageretur ignorâsse, et etiamsi tum scivisset, tamen non fuisse verum quod cuperet, ad hoc ut pacis fœdera continuarentur : ætas ostendit, quæ per communis juris dispositionem discretionem non admittit ; cupere quidem affectûs est, cæterum cupere contrahere matrimonium, ad hoc ut pacis fœdera continuarentur, judicii est et discretionis. Porro autem, quum de continuandis inter duos principes fœderibus ageretur, alter ante mandatam exequutioni bullam satis[24] concessit, et re integrâ, causa, si quæ fuit, cessavit.

[24] [An evident mistake for *fatis* which was printed in the folio editions.]

Sed producitur aliud breve tenoris tam efficacis ut istas objectiones non admittat.

Sed manet nihilominus eorum sententia, qui pontificem non posse dispensare affirmant, secundum quos nec breve nec bulla consistit; deinde breve falsum esse, et pro falso judicari deberi, multis rationibus convincitur; denique falsum cum sit, et tamen prioris bullæ errores corrigat, illam opinionem merito confirmet, ne prior dispensatio efficax videatur, vel eorum judicio, qui hoc matrimonium defendere studuerunt, videlicet qui veris allegationibus diffisi, ad falsas et confictas dispensationes, vitia objecta removentes confugere coacti sunt.

Ista, si singula minus sufficiant, saltem collata, obtineant et persuadeant licere. Illa vero opinio multis persuasa, pontificem videlicet non potuisse dispensare, ut sola infirmet dispensationem, non petitur, sed habeat nihilominus aliquid considerationis; quanquam enim refellatur a quibusdam et reprobetur, manet tamen scripta, atque adeo testimonio ipsius pontificis comprobata. Perpendatur deinde causa et suggestionis veritas, si mendacium intervenisse apparet, et quod est notorium, illam dispensationem adversariorum factis in novi brevis fabricatione tacite reprobari, quis non videt ex his causis licere ut sententia divortii proferatur?

Postremo expedit ut id pronuncietur, quod in omnium sententias consentiat, reprobatio autem dispensationis cum omnibus convenit opinionibus, sive quia authoritas abfuit, sive quia non recte interposita dicatur. Approbatio vero cum istis dissentit omnibus.

Expedit ut firma sit et inconcussa regni successio, quæ contra has opiniones confirmari non potest.

Expedit ut conscientia serenissimi regis his scrupulis impedita, et turbata, expedita et tranquilla reddatur.

Breviter, expedit votis serenissimi regis satisfieri, qui pro 51
genuinis et innatis suis virtutibus, non nisi optima cupit, et modo etiam optimo votorum suorum compotem effici laborat; si non virtutem spectaret, cætera nihil haberent difficultatis, sed omnium virtutum cogitationem quandam esse animadvertens suum justitiæ decorum, quod temperantiæ est, quærit ut justum, justo modo, obtineat et assequatur. Itaque expedit ne auxilium denegetur, vel differatur ei qui id juste implorat.

Number XXII. [p. 65.]

The second part of a long despatch of the cardinal's concerning the divorce. An original.

To my loving friends master Stevyn Gardiner doctor of both laws; sir Francis Brian, and sir Gregory de Cassalis, knights; and Mr. Peter Vannes secretary to the king's highness for the Latin tongue, his graces orators resident in the court of Rome.

——————ANOTHER part of your charge consisteth in expedition of the king's great and weighty cause of matrimony, whereupon depend so many high consequences, as for no earthly cause to suffer or tolerate tract or delay, in what case soever the pope's holiness be of amendment or danger of life; ne as is aforesaid, oweth to be by his holiness pretermitted, whether the same be in the state of recovery, or in any doubt or despair thereof: for one assured and principal fundament and ground is to be regarded, whereupon the king's highness doth plant and build his acts and cogitations in this behalf, which is from the reasonable favour and justice, being the things from the which the pope's holiness, *in prosperis nec adversis*, may lawfully or honestly digress. And when the plainness of this cause is well considered, with the manifest presumptions, arguments, and suspicions, both of the insufficiency of the bull, and falsity of the breve, such as may lead any man of reason or intendment, well to perceive, and know, that no sufficiency or assured truth can be therein; How may the pope's holiness, *ex æquo et justo*, refuse or deny to any Christian man, much less to a prince of so high merits, and in a cause whereupon depend so many consequences, to his holiness well known, for a vain respect of any person, or by excuse of any sickness, justify, colour, or defend any manner refusal, tract, or delay, used in declaration of the truth in so great a matter, which neither for the infinite conveniences that thereby might ensue, admitteth or suffereth to be delayed, nor by other than himself, his act or authority, may lawfully

Cotton lib. Vitell. B. xi. [fol. 96 b.]

[fol. 97.]

be declared? And well may his holiness know, That to none it appertaineth more to look unto the justness of the king's desire in this behalf, than to his highness his self, whose interest, whose cause, with the same of his realm and succession resteth herein; for if his grace were minded, or would intend to do a thing inique or unjust, there were no need to recur unto the pope's holiness for doing thereof. But because his highness and his council, who best know the whole of this matter, and to whose part it belongeth most profoundly to weigh and ponder 52
every thing concerning the same, be well assured of the truth of the matter, needing none other thing but for observance of his duty towards God and his church, to have the same truth also approbate and declared by him to whom the doing thereof appertaineth; his grace therefore seeing an untruth alleged, and that so craftily as by undue and perverse ways, the same without good remedy adhibited, may for a season bring things into confusion, doth communicate unto the pope's holiness presumptions and evidences enough, and sufficient to inform the conscience of his holiness of the very truth: which then, if the same his holiness will not see, but either for affection, fear, or other private cause, will have hearkening to every dilatory and vain allegation of such as led upon undue grounds would colour the truth; What doth his holiness less therein, than under a right vain colour expressly refuse and deny the said justice, which to be done either in health or sickness, in a matter of so great moment, is in no wise tolerable? But for the same reasons that be before mentioned, is the thing, whether the pope's holiness be in hope or despair of life, without further tract to be absolved and determined; for if Almighty God grant his holiness life, this act is, and always shall be, able to bear itself, and is meet to be an example, a president and a law, in all like cases emerging, the circumstances and specialties of the same in every part concurring as they do in this; nor the emperor can make exceptions at the same, when he best knowing, percase, the untruth shall see the grounds and occasions, that of necessity and mere justice have enforced and constrained the pope's holiness thereunto; which he could not refuse to do, unless he would openly and manifestly commit express injury and notorious injustice. For be it that the pope's holiness hearkening to the said frivolous and vain

allegations, would refuse to declare the law herein to the king's purpose, then must his holiness, either standing in doubt, leave and suffer the cause to remain in suspense to the extreme [fol. 98.] danger of the king's realm and succession for ever, or else declare the bull or breve, or both, to be good, which I suppose neither his holiness, nor any true Christian man can do, standing the manifest occasions, presumptions, and apparent evidences to the contrary. Then if the matter be not to be left in suspense, ne judgment can be truly given to the approbation of the bull or breve; how can the pope's holiness of conscience, honour, or virtue, living or dying, thus procrastinate or put over the immediate finishing thereof, according to the king's desire? or how may his holiness find his conscience towards God exonerate, if either living he should be cause of so many evils as hereof may arise; or dying, wilfully leave this so great a matter, by his only default, in this confusion, incertainty and perplexity? It is not to be supposed, that ever prince most devout to the see apostolic, could so long tolerate so high an injury, as being so merited towards the said see, is both unrequited for his kindness with any special grace, and also denied upon his petition of that which is evident to be plain justice. This thing is otherwise to be looked upon, than for the pope's sickness, where most need were to put an end unto it, to be delayed; seeing that living and amending, it is of itself expedient and justifiable, and dying, it shall be an act both necessary, meritorious and honourable. For this cause
53 ye now knowing the king's mind in this behalf, shall if ye have not already before this time spoken with the pope's holiness at length in these matters, as the king's grace trusteth ye have done, solicit as well by the mean of *Messiere Jacobo Salviati*, as by the bishop of Verone, and otherwise as ye can think best, to have such commodious access unto his holiness, as ye may declare the premisses unto him. Which by your wisdoms, in as effectual and vive manner as ye can, opened unto his holiness; it is undoubtedly to be thought the same shall rather be to his comfort and increase of health, than to any his trouble or unquietness; and that his holiness hearing these reasons not evitable, will whether he be in way and hope of amendment, or otherwise, both proceed to the said indication, and also to the declaration of the law, and passing of

a sufficient and ample decretal, as hath been devised in the king's said cause, with other things such as by former letters and instructions, by the decrees mentioned in the same, that failing, have been committed unto you, to be solicited and procured there. In the labouring whereof, albeit since your departure from hence, the things have by reason of the pope's said sickness, otherwise chanced than was here supposed, by mean whereof ye not instructed what to do in any such case, were peradventure not over-hasty or importune to labour these matters, till the pope's holiness might be better amended, nor could percase find the means to have convenient access unto his presence for the same, ye must nevertheless adhibit such diligence, as howsoever the sickness of his holiness shall cease, amend, or continue, these things be not for the same, or any other cause tracted or left in longer suspense; but finding possible means to come unto the pope's presence, to declare all such things unto the same, mention'd both in the former letters and instructions given unto you, and also in these presents, as may make to the purpose; and failing of often access in your own persons to his holiness, ye cause the bishop of Verone, and other such assured friends as ye can attain, being about him at such times as they may have with his holiness, to inculke unto him the said points and considerations, and all other that ye can excogitate and devise to the furtherance and advancement of these matters, not forbearing or sparing also, if ye shall see difficulty at the pope's hand, or in audience to be given to you or your friends there, being about his person, to break and open after a good fashion and manner the same unto such of the cardinals, as ye may perceive assuredly and constantly to favour the king's highness, and the French king in election of a future pope, in case (as God forbid) the pope's holiness should decease; and to shew unto the same cardinals all such things as ye shall think meet, both for their more ample instruction in the truth and
[fol. 99.] specialties of the matters, as well concerning the indication of truce, as the king's said cause, and the presumptious reasons, and plain evidences, leading to the insufficiency of the bull, and apparent falsity of the said breve; to the intent, that as many of the said cardinals as ye can win, made sure in those matters, they may, both in time of sickness, and also

of amendment, move and induce the pope's holiness thereunto, laying before him as well the merits and honour that may ensue by the perfection of the premisses, as the danger imminent by the contrary. And semblably it shall be expedient that ye win and make sure to the same purpose, as many of the
54 officers of the *rote* and other as ye can, who as ye write be not accustomed, ne will give counsel to any person but to the pope's holiness; for albeit ye cannot have them to be of the king's council, yet nevertheless they may do as much good, or more, in training and counselling the pope's holiness, upon the great reasons that ye can shew unto them, to hearken unto your overtures in this behalf. To which purpose ye shall adquire, make, and win, as many friends of the cardinals, of them, and other, as ye possibly may, as for the thing which the king's highness and I more esteem than twenty papalities; and amongst other, ye shall insist, by all means and good persuasions ye can, for the continuance there of the said bishop of Verone, so as he may countervail the archbishop of Capuan; who, as it seemeth, is continually about the pope's person, and were necessary to be met with in the labours and persuasions, which by likelyhood he maketh to the hindrance of the king's purpose: For the better continuing of the which bishop of Verone, not only the king's highness and I write unto him at this time, as by the copy of the same several letters being herewith ye shall perceive, but also the French king will do the semblable. And furthermore, to the intent that the pope's holiness may well perceive that not only the said French king mindeth the king's said cause, and taketh it to heart as much as it were his own, and will effectually join and concur with the king's highness therein, but that also he is and will be conformable to the said indication; He will send thither, with all speed, the bishop of Bayon to further, solicit, and set forth the same; who, before his departure from hence, which was a good season passed, was and is sufficiently and amply instructed in all things requisite to this purpose; and not only in these matters, but also in such other as were written unto you by Vincent de Cassalys, and Hercules, upon advertisement given hither that the pope's holiness was deceased; so as ye may be sure to have of him effectual concurrence and advice in the furtherance and solicitation of your charges,

whether the pope's holiness amend, remain long sick, or (as God forbid) should fortune to die; trusting, that being so well furnished by all ways that can be devised, ye will not fail to use such diligence as may be to the consecuting and attaining of the king's purpose: wherein, though ye be so amply and largely instructed, that more cannot be; yet nevertheless having lately received from the bishop of Worcester a memorial of diverse great things to be well noted and considered, for trial of the falsity of the said breve, I send you herewith a copy of the same memorial, to the intent ye substantially visiting and perusing the same, may follow and put in execution such part thereof, for better trial of the falsity, as is to be done there, like as the rest meet to be done here, shall not fail to be executed with diligence accordingly.

Thus be ye with these, and other former writings, sufficiently instructed what is to be done by you there, whether the pope's holiness continue long in his sickness, or whether the same fortune to decease, or soon, God willing, to amend. There resteth no more, but that ye always take for a perfect ground, That though to every new chance not before known, sufficient provision and instruction could not be given to you at your departure, ye always note, remember, and regard, That this the king's cause admitteth ne suffereth any manner negative, tract, or delay; wherefore knowing that so well as 55
ye do, and also how much the indication of the truce shall be commodious and necessary, both to the king's highness in particular, and to all Christendom in general, by means whereof his grace shall avoid contribution, and other charges of the war, ye must now, if ever ye will have thank, laud, or praise for your service, employ yourselves *opportune et importune* to put an end to these two points to the king's satisfaction and desire; and in every difficulty to study, by your wisdoms, the best and next remedy, and not always to tract your doings, till upon your advertisement hither, ye shall have new knowledge from hence: for thereby the matter itself, and also your demur there, be of over long a continuance, and infinite inconvenients by the same may ensue. I therefore require you according to the special trust and confidence that the king's highness and I have in you, now for ever to acquit yourselves herein with all effect possible, accordingly so as the

king's highness be no longer kept in this perplexity and [fol. 100.] suspense, to his grace's intolerable inquietness, and the great heaviness of all those that observe and love the same.

Furthermore, though it so be that the king's trust, and also mine is, Ye will by your wisdoms find such good means and ways as ye shall not fail, God willing, to open and declare unto the pope's holiness, the whole of the king's mind, and all and singular the premisses, with the residue mentioned in your former instructions and letters sent unto you: yet nevertheless considering what ye wrote of the doubt of continuance of the pope's sickness, and to make sure for all events and chances, in case his holiness (as God forbid) should long remain in such state, as he might either take upon him the mayning of the peace, journeying and repairing to the said diet, ne also hear the whole of the things by you to be opened and proponed touching the king's said cause: It hath been thought to the king's highness convenient rather than these great and weighty matters should hang in longer suspense, to excogitate some other good mean and way how these matters, so necessary, may by some ways be conduced and brought to an end: and it is this; That not being the pope's holiness able to travel t o the place devised, where the princes may be near him for treaty, and mayning of the peace, he do depute me and my lord cardinal Campegius, *conjunctim et divisim*, as his legate for that purpose, to do and execute all such things in his holiness' name, as the same should do in that behalf if he were there present; whereunto, for the weale of Christendom, we shall be contented to condescend. So always, that as hath been written heretofore unto you, before I pass or set forth to any convention or place, to the intent before specified, the king's highness be fully satisfied and pleased in his said matter of matrimony, without which, neither with ne without the pope's presence, I will ever begin or take that voyage: for performance whereof, this article following is of new devised, to be by you proponed unto his holiness, if the decretals cannot be obtained, or some other thing, that ye shall well know and perceive, by advice of expert counsel there, to be better to the king's purpose than this thing now devised, and that may without tract be passed and granted; that is to say, That his holiness do enlarge, extend, and amplify his

commission given to me and my lord legate Campegius, 56 whereby we jointly and severally may be sufficiently furnished and authorized, to do as much in this cause of matrimony, with all the emergents and dependents upon the same, as his holiness may do of his ordinary and absolute power, with sufficient and ample clauses, *ad decernendum, declarandum et disceptandum jura, leges, et rescripta quæcunque hoc matrimonium concernentia, una cum omnibus et singulis dubiis in eâdem causâ emergentibus.* And further, to make out compulsories to any princes, or persons of what preheminence, dignity, state, or condition soever they be, *etiamsi imperiali, regali, vel aliâ quâcunque dignitate perfulgeant, sub quibuscunque pœnis,* and in what countries and places soever they be, to exhibit and produce any manner witness, record, original rescript or other thing, in what place, or time we, or the one of us shall require them, or any of them in this behalf, with all and singular the circumstances requisite and necessary to such a commission, after such ample and assured manner, as the same once had, we shall not need for any objection, doubt, or other thing that might infringe or lack, to send of new to the pope's holiness for other provision, whereby the king's said cause might hang in any longer tract or delay. In which case of coming to this commission, ye Mr. Stevins must have special regard to see the same sufficiently and substantially penned, by advice of the most expert men that ye can find to that purpose: For the better doing whereof, I send unto you herewith a copy of the former commission given to me and my said lord Campegius, with certain additions thereunto noted in the margin, such as have been here devised; and also a copy of certain clauses in a bull, to the intent ye may see how amply the same be couched, to avoid appellations and other delays in causes of far less moment and importance than the king's is. Nevertheless ye must, if it shall come to the obtaining of this new commission, see to the penning and more full perfecting thereof, so as the same may be in due perfection, without needing to send eftsoons for remedying of any thing therein, as is aforesaid; looking also substantially whether the chirograph of pollicitation, being already in your hands, be so couched, as the date, and every thing considered, it may sufficiently oblige and astringe the pope's holiness to confirm all that we, or one of

us, shall do, by virtue of this new or the old commission: and if it be not of such efficacy so to do, then must ye in this case see, that either by sufficient and ample words to be put in this new commission, if it may be so had, or by a new chirograph the pope's holiness may be so astringed; which chirograph, with the commissions before specified, if ye obtain the same, [fol. 101.] the king's pleasure is, That ye sir Francis Brian shall bring hither, in all possible diligence, after the having and obtaining thereof, soliciting nevertheless, whether the pope be to be facilly spoken with, or not, the immediate indication of the truce, as is aforesaid, without which in vain it were for me, either with or without the pope, to travel for labouring and conducing of the peace. And so by this way should the pope's holiness, with his merit and sufficient justification, proceed for the truce, as a fundament of universal peace, satisfy the king's desires, and avoid any doubt of the emperor; forasmuch as his holiness might allege, That being so extremely sick, that he was not able to know of the cause himself, he could no less do of justice, than to commit it unto other, seeing that the
57 same is of such importance as suffereth no tract or delay. And finally, the king's highness, God willing, by this means, should have an end of this matter.

One thing ye shall well note, which is this; Albeit this new device was now for doubt of the pope's long continuance in sickness, first excogitate; yet it is not meant, ne ye be limited to this device, in case ye can ... obtain any other, ne ye be also commanded, to prefer this before all the other former devices; but now that ye shall see and understand what this device is, and knowing what thing is like or possible to be attained there, without long putting over of your pursuits, expend, consider, and regard well with yourself, what thing it is of this, or any other that may best serve to the brief and good expedition of the king's cause. So always that it be a thing sure, sufficient, and available to his grace's purpose, that may without any further tract be there had; and then by your wisdoms taking unto you the best learned counsel that ye can have there, leave you to the expedition of that which so may be most meet, as the times require and suffer, to the brief finishing of the king's said cause to his purpose, without tract or delay, and that ye may see is the thing, which as the

matters stand, can speedily be obtained and sped, as is aforesaid. For whether the decretal be better than this, or this better than that, or which soever be best, far it shall be from wisdom to stick, and still to rest upon a thing that cannot be obtained; but since ye know the king's meaning, which is to have a way sufficient and good for the speedy finishing of this cause to his grace's purpose, note ye now, and consider with yourself, by advice of learned counsel, as is aforesaid, how ye may bring that to pass, and . . . . shall ye deserve as high thanks as can be possible. So always that it be so well provided and looked upon, that in it be no such limitations or defaults, as shall compel us any more to write or send for reformation thereof: and coming to this commission, though percase ye can by no means or sticking have it in every point as the copy, which I send you with the annotations do purport; yet shall ye not therefore refuse it, but take it, or any other thing . . as can be had, after such form as may substantially serve, and as ye can by your wisdoms and good solicitations obtain, for the speedy finishing of the king's cause to his purpose, as is aforesaid, which is the stopp whereunto we must tend at this time; and therefore ye be not limited or coacted within any such bounds as ye should thereby be compelled or driven, for lack of obtaining any thing or point mentioned in these or other your instructions, or former writings, to send hither again for further knowledge of the king's pleasure; but ye be put at liberty so to qualify, so to add, detray, immix, change, choose or mend as ye shall think good; so always that ye take the thing that best can be had, being such as may as effectually as ye can bring about, serve to the king's purpose, and to put indelayed end to it, according to his grace's desire, without further tract, or sending thither, which is as much as here can be said or devised. And therefore at the reverence of Almighty God, bring us out of this perplexity, that this virtuous prince may have his thing sped to the purpose desired, which shall be the most joyous thing that this day in earth may chance and succeed to my heart; and therefore I eftsoons beseech you to regard it accordingly. Howbeit if the pope's holiness refusing all your desires, should make difficulty and delay therein, it is an evident sign and token, that his 58
holiness is neither favourable to the king's reasonable petitions,

ne indifferent, but should thereby shew himself both partial, and expressly adverse unto his grace. Wherefore in that case finding in his holiness such unreasonableness, as it can in no wise be thought ye shall do, The king's pleasure is, that ye then proceed to the protestations mentioned in the first instructions given to you Mr. Stevyns, for you and the residue of your colleagues; and that ye not only be plain and round with the pope's holiness therein, if ye come to his speech; but also ye shew and extend unto the cardinals, and other that be your friends, which may do any good with him, the great peril and danger imminent to the church and see apostolic thereby, exhorting them, That they like virtuous fathers have regard thereunto, and not to suffer the pope's holiness, if he would thus wilfully, without reason or discretion to precipitate himself and the said see, which by this refusal is like to suffer ten times more detriment, than it could do for any miscontentment that the emperor could take with the contrary. For ye shall say, sure they may be, and so I for my discharge declare, both to the pope's holiness and to them, If this noble and virtuous prince, in this so great and so reasonable a cause, be thus extremely denied of the grace and lawful favour of the church, the pope's holiness shall not fail for the same to lose him and his realm, the French king and his realm, with many other their confederates; besides those that having particular quarrels to the pope and see aforesaid, will not fail, with diverse other, as they daily seek occasions, and provoke the king's highness thereunto, which will do the semblable, being a thing of another sort to be regarded, than the respect to the emperor, for two cities, which nevertheless shall be had well enough, and the emperor, neither so evil contented, ne so much to be doubted herein, as is there supposed. This, with other words mentioned in your instructions concerning like matter, ye shall declare unto his holiness, and to the said cardinals, and other being your friends, if it come to that point; whereby it is not to be doubted, but they perceiving the danger aforesaid, shall be glad to exhort and induce his holiness, for the weale of himself and the church, to condescend to the king's desires; which is as much as can be here thought or devised, to be by you done in all events and chances. And therefore I pray you, eftsoons, and most instantly require you, as afore, to [fol. 102.]

handle this matter with all effect possible. Coming to this new commission, when you shall have once attained such thing as shall be sufficient for the king's purpose as is aforesaid; and that ye have it in your hands and custody, and not afore, lest thereby ye might hinder the expedition thereof, ye shall by all ways and means possible, labour and insist, that the king's highness, as need shall be, may use and enjoy the benefit of the decretal, being already in my lord cardinal Campegius' hands, whereunto the king's highness and I desire you to put all your effectual labour for the attaining of the pope's consent thereunto accordingly.

Ye shall furthermore understand, That it is thought here, in case, as God forbid, the pope should die before ye should have impetrate any thing that may serve to the absolution of the king's matter, that the college of cardinals have authority, power, and jurisdiction, *sede vacante*, to inhibit, 59
advoke, *et ex consequenti*, to pass and decide the king's matter, seeing that the same is of so high moment and importance concerning the surety of a prince and his realm, as more amply ye shall perceive in the chapters, *ubi periculum de electione, ne Romani, de jurejurando, et capite primo de schismaticis;* Wherefore the king's pleasure is, that ye Mr. Stephyns shall diligently weigh and ponder the effect of the said chapters, not only with yourself, but also with such the king's learned counsel as ye and your colleagues have conducted there; and what jurisdiction, *sede vacante*, the college of cardinals have either by the common law, usage or prescription, which may far better be known there than here: and if ye find that the cardinals have in this the king's cause, and such other like, authority and jurisdiction to inhibit, advoke and decern, then, *in casu mortis pontificis, quod Deus avertat*, ye shall specially foresee and regard that for none intercession or pursuit made by the emperor and his adherents, they shall either inhibit or advoke: and also if before such death, ye shall not have obtained such thing to the king's desire and purpose, as these present letters before do purport, his grace's pleasure is, That ye shall pursue the effectual expedition of the same, at the hands of the said college, *sede vacante, ne res quæ nullam dilationem exposcit, tantopere usque ad electionem novi pon-*

tificis quoquo modo differatur; using for this purpose all such reasons, allegations, and persuasions mentioned in these letters, and your former instructions, as ye shall see and perceive to serve to that effect; and so to endeavour and acquit your self, that such things may be attained there, as may absolve this the king's matter, without any further tract or delay; whereby ye shall as afore highly deserve the king's and my special thanks, which shall be so acquitted and decerned, as ye shall have cause to think your pains and diligences therein in the best wise employed, trusting in God that howsoever the world shall come, ye shall by one means or other bring the king's matter, which so highly toucheth his honour and quiet of mind, unto the desired end and perfection.

Finally; Ye shall understand that the French king, among other things, doth commit at this time to the bishop of Bayon, and Mr. John Joachim to treat and conclude the confederation heretofore spoken of, between his holiness, the king's highness, the French king, the Venetians, and other potentates of Italy, for a continual army to be entertained to invade Spain in case it stand by the emperor, that the peace shall not take effect: wherefore the king's pleasure is, that ye having conference with them at good length in that matter, do also for your parts, solicit, procure, and set forth the same; entering also on the king's behalf into the treaty, and conclusion thereof, after such manner as your former instructions and writings do purport. So as like as the French king is determined, that his agents shall join and concur with you in the king's pursuits and causes; so ye must also concur with them in advancement of their affairs, the successes whereof, and of all other your doings there, it shall be expedient ye more often notify hither than ye do, for many times in one whole month no knowledge is had from you, which is not meet in these so weighty matters, specially considering that sometime by such as pass to Lyons,
60 ye might find the means to send your letters, which should be greatly to the king's and my consolation, in hearing thereby from time to time, how the things succeed there. I pray you therefore to use more diligence therein, as the king's and my special trust is in you. And heartily fare you well.

From my place besides Westminster, the sixth day of April.

The French king hath sent hither an ambassiate, monsieur de Langes, brother to the said bishop of Bayon, with certain clauses in his instructions, concerning the said treaty of confederation, the copy whereof ye shall receive herewith, for your better riping in that matter. Praying God to speed you well, and to give you grace to make a good and short end in your matters. And eft-soons fare ye well.

Your loving friend,

T. Carlis Ebor.[26]

Number XXIII. [p. 67.]

Another despatch to the ambassadors, to the same purpose. A duplicate.

Cotton lib. Vitell. B. xi. [fol. 126.]

RIGHT well beloved friends, I commend me unto you in my hearty manner, letting you wit, that by the hands of Thadeus bearer hereof, the king's highness hath received your several letters to the same directed with the pope's policitation mentioned in the same, and semblably I have received your conjunct and several letters of the dates of the 18th and 29th days of March; the 8th, 19th, 20th, and 21st, of April, to me directed, wherein ye at right good length have made mention of such discourses, conferences, audiences, and communications as ye have had concerning your charge, since the time of your former advertisements made in that behalf, with all such answers and replications as have been made unto you by the pope's holiness, and other on his behalf concerning the same. In the circumstances whereof ye have so diligently, discreetly, and substantially, acquitted yourselves, as not only your firm and fervent desire, to do unto the king's highness special and singular service in this his great and weighty cause; but also your wisdoms, learning, and perfect dexterities, heretofore well known, hath every one for his part thereby been largely of new shewed, comprobate and declared to

[26] [This document has been slightly burnt at the edges, and two or three words have been destroyed.]

the king's good contentment, my rejoice and gladness, and to your great laud and praise. For the which his grace giveth unto you right hearty thanks, and I also for my part do the semblable; assuring you, in few words, though the time and state of things hath not suffered that your desires might at this time be brought unto effect; yet the king's grace well knoweth, perceiveth, and taketh, that more could not have been done, excogitate, or devised, than ye have largely endeavoured yourself unto for conducing the king's purpose, which his
61 grace accepteth, as touching your merits and acquittal in no less good and thankful part, than if ye finding the disposition of things in more direct state, had consecuted all your pursuits and desires. Ne ye shall doubt or think, that either the king's highness or I have conceived, or thought any manner negligence in you for such things as were mentioned in the last letters sent unto you by Alexander, messenger, but that albeit his highness had cause, as the same wrote, to marvel of your long demore, and lack of expedition of one or other of the things committed to your charge; yet did his highness right well persuade unto himself the default not to be in you, but in some other cause, whereof his grace not knowing the same, might justly and meritoriously be brought unto admiration, and marvel. And therefore be ye all of good comfort, and think your perfect endeavours used, and services done, to be employed there, as it can be right well, in every part regarded and considered.

In effect coming to the specialties of the things now to be answered, The king's highness having groundly noted and [fol. 127.] considered the whole continue and circumstances of all your said letters and advertisements, findeth and perceiveth evidently, that whatsoever pursuits, instances, and requests have been, or shall be for this present time, made there by you on his grace's behalf to the pope's holiness, for the furtherance of his said great and weighty cause; and how much soever the necessity of Christendom for the good of peace, the importance of this matter, the justness of the thing itself, reason, duty, respect to good merits, detecting of falsities used, evident arguments and presumptions to the same, or other thing whatsoever it be, making for the king's purpose, do weigh; the times be now such, as all that shall be done in any of the

premisses there, is apparent by such privy intelligence and promise as is between the pope and the emperor, to hang and depend upon the emperor's will, pleasure, and arbitre, as whom the pope's holiness neither dare nor will in any part displease, offend, or miscontent, ne do by himself thing notable therein, which he shall think or suppose to be of moment, the said emperor first inconsulted, or not consenting thereunto. And for that cause, since the emperor not only is the adversary of universal peace, letter, and empeacher thereof, but also, as hath appeared by sundry letters heretofore, and now of new sent out of Spain, doth shew himself adverse, and enterponing himself as a party against the king's said great matter; it were in manner all one to prosecute the same at the emperor's hands, as at the pope's, which so totally dependeth upon the emperor; and as much fruit might be hoped of the one as of the other, so as far discrepant it were from any wisdom in a thing so necessary, and which as ye know must needs be brought unto an end without any further delay, consume and spend the time, where such express contrariety and in manner despair appeareth to do any good therein, and where should be none other but continual craft, colour, abuses, refuses and delays, but rather to proceed unto the same in place, and after such form as may be appearance of some good and brief effect to ensue. Wherefore to shew you in counsel, and to be reserved unto yourselves, the king's highness finding this ingratitude in the pope's holiness, is minded for the time to dissemble the matter, and taking as much as may be had and attained there to the benefit of his cause, to proceed in the decision of the same here, by virtue of the commission already 62
granted unto me and my lord legate Campegius.

And for because that ye Mr. Stevyns be largely riped and
[fol. 128.] acquainted in this matter, and that both the king's highness and I have right large experience of your entire zeal and mind to the studying and setting forth of such things concerning the law, as may be to the furtherance hereof; considering also that for any great thing like to be done there herein, such personages as be of good activity, wisdom, and experience, though they be not learned in the law, may with such counsel as ye have retained there, right well serve to the accomplishment of such other things as shall occur, or be committed unto them

on the king's behalf, though so many ambassadors do not there remain and continue: his grace therefore willing and minding to revoke you all by little and little, except you sir Gregory, being his ambassador there continually residing, willeth, that after such things perfected and done, as hereafter shall be mentioned, ye Mr. Stevyns, and you sir Francis Brian, shall take your leave of the pope's holiness, and with diligence return home. For if ne had been the absence of you Mr. Stevyns, seeing that there is small appearance of any fruit to be obtained there, the king's highness would have entered into process here before this Whitsuntide: but because his grace would have you here present, as well for the forming of the said process, and for such things as be trusted that ye shall obtain and bring with you, as also for the better knowledge to be had in sundry matters, wherein you may be the better riped and informed by means of your being in that court, and otherwise, his highness will somewhat the longer defer the commencement of the said process, and respite the same, only for your coming; which his grace therefore desireth you so much the more to accelerate, as ye know how necessary it is, that all diligence and expedition be used in that matter. And so ye all to handle and endeavour yourselves there, for the time of your demore, as ye may do the most benefit and advantage that may be to the speedy furtherance of the said cause.

And forasmuch as at the depeche of your said last letters, ye had not opened unto the pope's holiness the last and uttermost device here conceived, and to you written in my letters sent by the said Alexander, but that ye intended, as soon as ye might have time and access, to set forth the same; wherein it is to be trusted, since that thing could by no colour or respect to the emperor be reasonably denied, ye have before this time done some good, and brought it unto perfection; I therefore remitting you to such instructions as ye received [fol. 129.] at that time, advertise you that the king's mind and pleasure is, ye do your best to attain the ampliation of the said commission, after such form as is to you, in the said last letters and instructions, prescribed; which if ye cannot in every thing bring to pass, at the least to obtain as much to the king's purpose, and the benefit of the cause as ye can; wherein

all good policy and dexterity is to be used and the pope's holiness by all persuasions to be induced thereunto; shewing unto the same how ye have received letters from the king's highness and me, responsives to such as ye wrote of the dates before rehearsed; whereby ye be advertised that the king's highness, perceiving the pope's strange demeanour in this his great and weighty cause, with the little respect that his holiness hath, either to the importance thereof, or to do unto 63
his highness at this his great necessity, gratuity and pleasure; not only cannot be a little sorry and heavy to see himself frustrate of the firm hope and expectation that his grace had, to have found the pope's holiness a most loving, fast, near and kind father, and assured friend, ready and glad to have done for his grace, that which of his power ordinary or absolute, he might have done in this thing, which so near toucheth the king's conscience, health, succession, realm, and subjects; but also marvelleth highly, That his holiness, both in matters of peace, truce, in this the king's cause, and in all other, hath more respect to please and content him of whom he hath received most displeasure, and who studieth nothing more than the detriment of that see, than his holiness hath either to do that which a good common father, for the weale of the church, himself, and all Christendom, is bounden, and oweth to do, or also that which every thing well pondered, it were both of congruence, right, truth, equity, wisdom, and conveniency so to do. Thinking verily that his highness hath deserved to be far otherwise entreated, and that not at his most need in things nearest touching his grace, and where the same had his chief and principal confidence, thus to have his just and reasonable petitions rejected, and totally to be converted to the arbitre of his enemy, which is not the way to win, acquire and conserve friends to the pope's holiness and see
[fol. 130.] apostolic, ne that which a good and indifferent vicar of Jesus Christ, and common father unto all princes oweth and is bounden to observe. Nevertheless ye shall say the king's highness, who always hath shewed, and largely comprobate himself a most devout son unto the see apostolic, must and will take patience; and shall pray to God to put in the pope's mind, a more direct and virtuous intent so to proceed in his acts and doings, as he may be found a very father, upright,

indifferent, loving and kind; and not thus for partial respect, fear, or other inordinate affection, or cause, to degenerate from his best children, shewing himself unto them, as a step-father, ne the king's highness ye shall say can persuade unto himself, that the pope's holiness is of that nature or disposition, that he will so totally fail his grace in this matter of so high importance, but that by one good mean or other, his holiness will perfectly comprobate the entire love that always the same hath shewed to bear towards his highness, wherein ye shall desire him now to declare by his acts the uttermost of his intent and disposition; so as ye Mr. Stevyns and Mr. Brian, who be revoked home, do not return with void hands, or bring with you things of such meagerness, or little substance, as shall be to no purpose. And thus by these, and like words, sounding to the same effect, which as the time shall require, and as ye shall have cause, ye by your wisdoms can qualify and devise, it is not to be doubted, but that the pope's holiness perceiving how the king's highness taketh this matter, and that two of you shall now return, will in expedition of the said ampliation of the commission and other things requisite, strain himself to do unto the king's highness as much gratuity and pleasure as may be; for the better attaining whereof, ye shall also shew, how heavy and sorry I with my lord legate Campegius be, to see this manner of proceeding, and the large promises which he and I so often have made unto the king's highness, of the
64 pope's fast and assured mind, to do all that his holiness, *etiam ex plenitudine potestatis*, might do, thus to be disappointed: most humbly beseeching his holiness on my behalf, by his high wisdom to consider, what a prince this is; the infinite and excellent gratitudes which the same hath exhibited to the pope's person in particular, and to the see apostolic in general: the magnitude and importance of this cause, with the con- [fol. 131.]
sequences that may follow, by the good or evil entreating of the king's highness in the same; wherein ye shall say, I have so largely written, so plainly for my discharge declared the truth unto his holiness, and so humbly, reverently, and devoutly, made intercession, that more can I not add or accumulate thereunto, but only pray unto God that the same may be perceived, understonden, and taken, as the exigence of the case, and the merits of this noble prince doth require;

trusting always, and with fervent desire, from day to day, abiding to hear from his said holiness some such thing, as I shall now be able constantly to justify and defend the great things which I and my said lord legate have said and attested on his holiness' behalf.

This, with all other such matter as may serve to the purpose, ye shall extend as well as ye can, and by that means get and attain as much to your purpose for the corroboration and surety of all things to be done here as is possible, leaving to speak any more, or also to take or admit any rescripts for exhibition of the breve, advocation of the cause, or other of the former degrees, seeing that all which shall or can be done or attained there, shall hang merely upon the emperor's will, consent, and arbitre. And therefore nothing is now or hereafter to be procured, that may tend to any act to be done, in decision of the cause or otherwise there, or which may bring the adverse party to any advantage, to be taken by the favour or partiality that the same may have in that court; but to convert and employ all your suit, to that thing which may be to the most convalidation and surety of the process, and things to be done here, as well by attaining as ample, large, and sufficient words, clauses and sentences as ye can get, for ampliation of the new commission; as for the defeating of any thing that may be procured to the impeachment of the process thereof, and the corroboration of the things to be passed, and done, by virtue of the same.

And amongst other things, whereas ye with these last letters, sent the pope's policitation, for the non-inhibition or avoking of the cause, the ratifying and confirming of the sentence by us his legates herein to be given, and other things mentioned in the same, ye shall understand, that the said policitation is so
[fol. 132.] couched and qualified, as the pope's holiness whensoever he will, may reserve; like as by certain lines and annotations, which in the margin of a copy of the said policitation I send you herewith, ye shall perceive more at large: and therefore after your other suits, for the ampliation of the new commission, if any such may be attained, brought unto as good a purpose as ye can, ye shall by some good way find the mean to attain a new policitation, with such, or as many of the words and additions newly devised as ye can get; which ye may do

under this form and colour, that is to say, to shew unto the pope's holiness, by way of sorrow and doleance, how your courier, to whom ye committed the conveyance of the said
65 policitation, so chanced, in wet and water in the carriage thereof, as the pacquet wherein it was, with such letters as were with the same, and amongst other the rescripts of policitation, was totally wet, defaced, and not legible; so as the pacquet and rescript was and is detained by him to whom ye direct your letters, and not delivered amongst the other unto the king's hands; and unless his holiness, of his goodness unto you, will grant you a double of the said policitation, ye see not but there shall be some notable blame imputed unto you for not better ordering thereof, to the conservation of it from such chance. And thus coming to a new policitation, and saying, ye will devise it as nigh as ye can remember, according to the former, ye by your wisdoms, and namely ye Mr. Stevyns, may find the means to get as many of the new and other pregnant, fat, and available words as is possible, the same signed and sealed as the other is, to be written in parchment; the politic handling whereof, the king's highness and I commit unto your good discretions; for therein, as ye Mr. Stevyns know, resteth a great strength and corroboration of all that shall be done there, in decision of the king's said cause; and as ye write may be in manner as beneficial to the king's purpose, as the commission decretal.

And to the intent ye may the better know how to proceed in this business, I advertise you that the king's highness hath now received fresh letters out of Spain, answering to those sent by Curson jointly with a servant of the queen's for exhibition of the original breve here, of whose expedition you Mr. Stevyns were privy before your departure. The letters be of sundry dates, the last whereof is the 21th day of April, at which time the emperor was at Cæsar Augusta, upon his departure toward Barselona. In effect, the emperor [fol. 133.] minding by his repair thither, and other his acts, to make a great demonstration of his coming into Italy, who is to nothing, as the king's ambassadors write, more unmeet and unfurnished than to that voyage, not having any galleys there

but three, which lay on dry land unrigged, as they have done a long time past, none assembly of the states of that land, none order, provision of victual, towardness in conscription of men of war, or appearance of such thing, but that his going to Barselona, is chiefly under such pretext to attain certain old treasure there remaining, and to give the better reputation to his affairs in Italy.

As to matter of peace or truce, he seemeth not so alien from it, but that he would, under colour thereof, be glad to separate and disjoin other from the sincerity of confidence that is between them, working somewhat with the French king, which he himself confesseth to be but abuses. On the other side, he maketh overture of peace or truce to be had with the king's highness apart; and in the mean time entertaineth the pope's holiness as one whom, won from the residue of the confederates, he thinketh himself most assured of: howbeit in all this his business, ye may constantly affirm, that his compasses cannot prevail in any thing that may be excogitate to the separation of the king's highness and the French king, who so entirely proceed together, that the emperor coming or not coming into Italy, the said French king intendeth to prosecute him in the place where his person shall be. To whom the king's highness now sendeth the duke of Suffolk, with the treasurer of his honourable houshold; who, if the pope will not really and 66
actually intend to the mayning of the peace, coming to the convention by his holiness moved, as the case shall require, shall be furnished of a substantial number of men of war out of this realm to the assistance of the said French king, if the emperor happen to descend in Italy. So as his things there, be not like to be in such surety as might bring the pope's holiness to this extremity of fear and respect. And all the premisses touching this knowledge had out of Spain, and the French king's interest with the king's concurrence, as afore, it shall be well done ye declare to the pope's holiness, whereby peradventure the same shall be removed from some part of his said overmuch respect to that part.

As to sending of the breve, the emperor refusing to send it into England, sheweth some towardness of sending it to Rome, minding and intending to have the king's matter decided

there and not here. Howbeit all be but vain collusions: for as ye shall perceive by such things as be extracted out of the [fol. 134.] letters of the king's orator resident in Spain, a copy whereof I send you herewith, the more the said breve cometh unto light and knowledge, the more falsities be deprehended therein; and amongst other, one there is specially to be noted; making, if it be true, a clear and manifest proof of the same falsity; which because if it were perceived by the adverse party, or any of their friends, counsellors, or adherents, it might soon by a semblable falsity be reformed, is above all other things to be kept secret, both from the pope, and all other there, except to yourselves. For in computation of the year of our Lord is a diverse order observed in the court of Rome in bulls and breves; that is to say, in the bulls beginning at the incarnation of our Lord, in the breve at the nativity; so as the thing well searched, it is thought it shall be found, that the date presupposed to be of the breve, which is 26th December, *anno Domini millesimo quingentesimo tertio, pontificatûs Julii anno primo*, well conferred with the manner and usage of that court: he that counterfeited the breve, not knowing such diversity between the date of the bulls and breves, and thinking to make both dates of one day, dated the breve at a day before pope July was pope; which ye shall more plainly perceive by the said copy, and specially if under some good colour ye ripe yourselves there, whether the year in the date of breves change upon Christmas day, or upon New-year's day, wherein the king's pleasure is, that ye ensearch and certify here what ye shall know and perceive. And if ye shall by such inquiry find matter making to the purpose, as it is not doubted but ye shall do, then for the more sure justification and proof thereof before the judges; it shall be expedient ye in writing make mention of such a doubt, finding the means that it may be answered and declared in the same writing, by certain expert persons of the secretaries, and other officers of that court, with subscription of their answer, and names; whereby it may appear here afore us as judges, as a thing true and approved. Howbeit, great dexterity is to be used for the secrecy thereof. For if such exceptions might come to the knowledge of the adverse party, they might, as the said orators write, soon reform that default by detrahing

one letter, or title, or forging a new breve, alleging error in the transumpts, which might be the total disappointment of deprehension of the falsity in that chief and principal point. 67
I pray you therefore to regard that matter substantially, and to order it by your good wisdoms accordingly.

Number XXIV. [p. 68.]

The two legates' letter to the pope, advising a decretal bull. A duplicate.

Cotton lib. Vitell. B. xi. [fol. 235.]

PRIORIBUS nostris ad sanctitatem vestram literis quid hic ageremus, quove in statu causa hæc esset exposuimus; postea quum, et res ipsa, et desiderium regis admodum urgeret, ut ad causæ ipsius merita agnoscenda accingeremur, quando in suspenso, non modo horum regum vota, sed nec hujus regni firmandi ratio, diutius haberi potest, omni suasionis genere horum animis prius adhibito, ut alterius voluntati alter cederet, eique morem gererent, cum nihil profecerimus, ad judicii institutionem accedentes, de modo causam ipsam pertractandi, multa longioribus colloquiis inter nos commentati sumus; quâ in re, dum quæ necessaria sunt adornantur, exhibitum est per reginam exemplum brevis Julii II. eodem tempore quo et bulla super hâc materiâ, dati et scripti, sed attentiore curâ et longe consideratiore mente confecti, quod, quia in substantialibus etiam ab ipsâ bullâ diversum est, non modo regium, sed nostrum quoque animum, mire suspensum habuit, usque adeo ut de ejus veritate plurimum suspicari libeat. Nam præter insperatam in tantâ oportunitate ejus apparitionem, incredibile videtur, ut eodem tempore idem author, eisdem partibus, in eâdem causâ, diversâ admodum ratione caverit, et permansuro diplomati ejusque decreto, ad perpetuam rei memoriam, proferendo, et plumbeo caractere excudendo dormitaverit, brevioribus vero literis molli cerâ communiendis exactissimi studii et sobriæ cogitationis speciem impresserit: ne tamen majestas hæc rem hanc damnatam priusquam exploratam habeat, quippe quæ magis in veritate quam in voto suo, causæ hujus eventum

susceptura videtur, ad ipsius brevis exhibitionem instat, quod, quia honestum et rationi consonum videtur, a nobis etiam probatur, propterea omni studio curamus, ut breve ipsum, quod in Hispaniis esse dicitur, et a quo exemplum hoc effigiatum aiunt proferatur; atque ut hoc expeditiore curâ, et majore compendio assequamur, præter primam et summam illam de [fol. 236.] causâ hâc cognoscendi potestatem, quam a sanctitate vestrâ habemus, aliam quoque ad hunc specialiter arcticulum habendam putamus, per quam possimus etiam per censuras, omnes etiam regiâ et imperiali authoritate fulgentes, monere et adigere ut dictum breve nobis exhibeant, sine quo causa hæc nedum absolvi, sed nec commode tractari queat. Atque hoc primum est, quod majestas hæc, in tantâ animi fluctuatione quâ nunc æstuat, a nobis curandum putat, quo impetrato, judicii viâ insistentes ad causæ cognitionem procedemus; quod si non proferatur, vel inutile et viciatum, et fide suâ facile rejiciendum, prolatum fuerit, nihil prohibebit, hoc sublato obiice, quin ex officio nostro reliqua prosequamur: sin vero exhibeatur, et veritate suâ, vel adeo scite confictâ fallaciâ, ita se tucatur ut acriori examine id inquiri debeat, patefacto jam patronorum cavillis et calumniis foro, quibus undis et judicii fluctibus non solum arcticulum hunc brevis, sed universam causam implicaturi simus, nullus non viderit; neque enim deerunt quæ suspectam ipsius brevis fidem faciant, vel ex hoc maxime, quod
68 cum maxime regis et regni hujus intersit, nihil prorsus de eo antehac auditum fuerit, nec ejus memoria aut ratio ulla extet in scriniis regiis, in quibus etiam minima quæque ad regnum spectantia asservari solent. Nam verisimile non est in Hispaniis majorem Anglicæ rei curam fuisse quam in ipsâ Angliâ, neque quempiam solerti et acri adeo ingenio fuisse, qui hujuscemodi dissidium vigesimo quinto abhinc anno suboriturum, et hâc solâ ratione sublatum iri posse divinaverit, nullâ ut diximus apud hunc regem, et in hoc regno talis rei memoriâ extante. Porro si ex brevi ad bullam, et ex bullâ ad breve transitus fiat, atque illius jejunitatem et ariditatem insectemur, hujus prægnantia verba, et ad omnes fere exceptiones tollendas, superstitiosam quodammodo vigilantiam conferamus, et quæ [fol. 237.] utrinque deduci poterunt in rescriptis apostolicis æquo animo audiamus, periclitaturi certe sumus, ne, quod minime cupimus, sedis apostolicæ authoritatem patientiâ nostrâ in discrimen

rapiamus, atque dum regno, et regi huic suppetias ferre volumus, rem, dignitatemque nostram multo minorem faciamus, cui tamen positâ etiam animâ, favere et adesse semper cupimus et debemus. Propterea, beatissime pater, non solum pro regis et causæ hujus commodo, sed pro dignitate quoque ecclesiasticâ et sanctitatis vestræ authoritate hic tuendâ et conservandâ, nullo pacto committendum ducimus, ut nobis spectantibus et audientibus, de potestate Romani pontificis, de literarum apostolicarum sub plumbo et sub anulo scriptarum fide, et repugnantiâ, deque juris divini abrogatione disceptetur, maxime in regum causâ oppugnandâ et defendendâ, qui, ut sublimiore sunt fastigio collocati, ita iniquiori animo patiuntur causæ suæ casum, cum quâ et dignitatem et existimationem suam diminutam iri intelligunt, quæ si ignobilium etiam animos quosque exulcerare, ipsâ rerum experientiâ docti cernimus, qualiter quæso putamus regios et generosos affectura? Itaque quoniam hanc caribdim et hos scopulos evitasse semper tutum erit, propterea hujusmodi incommoda quodammodo prætervecti, ubi ad litis molestias et incertas fori fluctuationes causam deducendam perspicimus, suadere, rogare, et summis precibus parique reverentiâ contendere non desinemus, ut si exhibito brevi, pura veritas ita latitaverit, quod rectumne an falsum, viciatum seu adulterinum fuerit judicare ac decernere minime valeamus, sanctitas hic[27] vestra causam hanc ad se avocet, non solum ut tanto discrimini, et perplexitati nos eximat, sed ut paterno affectu, causæ et regi huic optimo subveniat, et opem ferat, atque ex potestatis suæ plenitudine et summâ prudentiâ finem huic rei optatum imponat, quæ non sine magno hujus regni et ecclesiasticæ dignitatis periculo diutius trahi potest: speramus autem serenissimum hunc regem in hujusmodi avocandæ causæ
[fol. 238.] consilio facile quieturum, salebrosa hæc litium itinera et labirinthos evitaturum, modo in fide sanctitatis vestræ chyrographo manûs suæ testata, cognoverit, se diutius suspenso in hâc re animo detinendum non fore, atque ab hujusmodi matrimonio se tandem liberandum, in quo nec humano nec divino jure permanere se posse putat, ex causis sanctitati vestræ forsan notis, et per hos suos nuncios longioribus verbis explicandis. Quod si sanctitas vestra commodius existimaverit,

[27] [This page in the MS. has several corrections, and the word *hic* appears to have been inserted between *sanctitas* and *vestra*.]

avocatione hujusmodi posthabitâ, per decretalis unius concessionem huic causæ occurri et succurri posse, in hanc quoque rationem regis animum paratum dabimus; et propterea con-
69 cepto quodam decretalis modulo, eum per hos ipsos majestatis suæ nuncios mittimus, ex quibus abunde intelliget, quam non absque exemplo istiusmodi auxilia proponantur, et quam non temere nec absque ratione majestas hæc desiderio huic suo inhæreat: interea vero, dum hâc vel illâ ratione huic rei occurritur et breve ipsum perquiritur, posset utique sanctitas vestra iterum reginæ animum tentare, et ad religionem emollire, curando ut (quod maxime apud eam gratiâ et authoritate esse debent) et literis, et precibus, et nunciis, omnique aliâ ratione, hâc ipsâ viâ, sibi, suisque rebus omnibus atque aliis optime consulat. Cujusmodi multa, pro salute regni et publicâ cum dignitate, tum tranquillitate, animo agitamus, ut tandem optimo regi præsidio simus, qui incredibili patientiâ et humanitate, nostram et sanctitatis vestræ opem expectat, sed tantâ obsessus curâ, sollicitudine et anxietate, ut nullus facile explicare possit. Vix enim in hoc ipso, oculis et auribus nostris credimus; cujus usque adeo nos miseret, ut nihil ingrato magis animo audiamus quam ejus de hâc re verba, querelas et cruciatum: jure, an injuriâ liceat nobis hoc, beatissime pater, cum sanctitate vestrâ tacere, ne præjudicium nobis aut aliis faciamus, [fol. 239.] sed quem non excitet tot annorum conscientiæ carnificina, quam ut transversum et modo in has et modo in illas partes agant theologorum disputationes, et patrum decreta, nullus non videt; quâ in re enucleandâ ita ambiguo laboratur sensu, ut jam non doctioris sed melioris hominis lumine et pietate egeamus et propterea factum est ut cum ab utrâque parte stent assertores maximi, in illam magis majestas sua inclinet, quæ ab offensionibus et periculis magis remota videtur. Quem præterea non moveat dulcis illa insitaque sobolis successio, in quâ morientes et animam exalaturi conquiescere, naturâ ipsâ, videmur omnes? Quem insuper non accendat, regni atque imperii propagatio, et per solos liberos continuata quædam fruitio? Quem denique populorum fidei ac ejus curæ commissorum tranquillitas et securitas, quæ in designatis jam regibus et principibus nutritur et vivit, non sollicitet, ita ut tanti adeoque communis boni fundamenta nulla a se jacta, non doleat et suspiret, cum in extremis ejus diebus, extrema quoque tempora

eis adventare sentiat, atque secum omnia quodammodo in ruinam trahi? Majores habet, beatissime pater, causa hæc anfractus et difficultates, quam superficie tenus inspectantibus offerantur, in quâ vel hæ potissimæ sunt quod nec moram patitur, et in alteram partem non inclinat quidem, sed omnino cogit, ni velimus ab eâ præcipites et maximâ cum privatæ tum publicæ rei jacturâ cadere; nam qui vel reginæ odio, vel speratæ, necdum forsan notæ, futuræ conjugis illecebrâ et titillatione regem agi putant, ii excordes plane et toto, quod aiunt, cœlo errare videntur: ut enim credere dignum est, nullis illius quamlibet duris moribus aut injocundâ consuetudine, vel ulterioris sobolis spe desperatâ, regium animum tanto periculo ad odium impelli posse; ita nec in hominis bene sani mente
[fol. 240.] cadere debet, regem hunc imbecillo adeo esse animo, ut sensuum suadela eam abrumpere cupiat consuetudinem, in quâ adolescentiæ suæ florentes annos exegerit persancte adeo, ut in hâc quoque fluctuatione, non sine reverentiâ et honore versetur. Inest, credite omnes, voluntati ejus non modo divinæ legis timor, sed humani quoque juris ratio eximia, hæcque non privata sed publica, ad quam cum ejus animum trahant, utriusque juris peritissimi, et regni hujus sui proceres, et primates omnes, nihil tamen suo, aut suorum tantum arbitrio constitu- 70
tum habere cupit, sed apostolicæ sedis judicio; quâ in re quantâ sit pietate, maxime ostendit, quum non ex magorum carminibus, et circulatorum imposturis, aliisve malis artibus, sed ex sanctissimâ pontificis manu, tanto huic vulneri suo opem petat, de quo vel plura forte quam licuisset sanctitati vestræ subjecimus, quoniam hæc ipsa ulcera manibus nostris contrectavimus, et quantum vitales spiritus exhalent, cognovimus. Proinde sanctitas vestra, pii patris et peritissimi medici more, dum virtus adhuc stat, dum salus non desperatur, dum æger ipse sese sustinet et legitima petit auxilia, regem de se et apostolicâ sede optime meritum in pietatis suæ sinu foveat, illudque ei indulgeat quod nec disputationum immortalia dissidia, nec litium immensum chaos unquam dabit, nec sine maximo discrimine unquam tractabitur; atque illud etiam secum reputet, quam injurium, et cum privatis tum publicis rebus incommodum sit, extremos juris apices consectari, quanquam non expediat ex scripto jure semper judicare, cui, quia pontifices et principes miro omnium consensu, a Deo ipso præfecti, censentur spiritûs et animæ vice,

merito in ambiguis, et ubi multa periclitatur hominum salus, arbitrio suo ejus duritiem moderari possunt et debent, in quo sanctitas vestra et regem et regnum hoc plane servaverit. Quod si aliâ ratione vel aliunde paranda sibi fuerint auxilia, veremur ne de regno et rege hoc actum sit; quicquid enim aliâ manu huic vulneri impositum fuerit, nihil minus faciet quam [fol. 241.] sanitatem; seditionibus enim et tumultibus omnia exponentur, atque imprimis ecclesiastica dignitas et apostolicæ sedis authoritas hinc deturbabitur; quod non erit difficile, aut ingratum quibusdam, qui rege cum sanctitate vestrâ nunc conjunctissimo, impietatis suæ venenum perbelle dissimulant; cujusmodi jacturam si dura hæc tempora nostra fecerint, quid deinde sperandum sit, non videmus. Conservandus itaque rex est, ejusque eximia in apostolicam sedem voluntas et fides, ne eo a nobis abalienato, non modo Angliæ regem, sed fidei quoque defensorem amittamus, cujus virtutes et religionem tanto plausu orbi commendavimus. Brevitati studentes multa prætermimus, et præsertim quid regni proceres, nobiles æque atque ignobiles dicant, qui fremunt et acerbissime indignantur, se tamdiu suspensos haberi, atque ab aliorum nutu et voluntate expectari, quid de fortunis eorum omnibus et capitibus statuant, aut decernant: atque hâc potissimum viâ insistunt, qui nullam aut certe diminutam hic Romani pontificis authoritatem vellent, quorum plerique in his disceptationibus, quibus alter alteri, ut usu venire solet, re in ambiguo positâ, adversatur, ea dicunt quæ non absque horrore referri queant; nam inter cætera illud maxime in ore obvium habent, et prædicant, se nunquam satis demirari, aut ridere posse quorundam ignaviam, qui patienter audiunt, pontificibus in jure divino figendo et refigendo licere, pontifici pontificis ceram aut plumbum conflare non permitti. Nos, ut hos scopulos et has syrtes evitemus, nihil non agimus, et ne præceps, huc vel illuc, rex hic ruat, curamus, quem in officio vix contineri posse confidimus, dum a sanctitate vestrâ his literis rescribatur: quibus si ut speramus et cupimus aliquid rescriptum fuerit, per quod et regem et horum omnium animos quietiores reddere valeamus, accedet nobis quoque vis aliqua cætera felicius perficiendi: sin minus, omnia in deterius itura non ambigimus. Quæ ut celerius majestas sua cognoscat, præsentes hos nuncios suos per dispositos equos ad sanctitatem
71 vestram mittit, ex quorum sermone plura quoque intelliget quam

literæ ipsæ commode capere potuerunt. Ignoscet vero sanctitas vestra literarum nostrarum prolixitati, quæ tametsi modum excedunt, rei tamen hujus difficultatem et periculum majori ex parte minime attingunt.

[Si exhibito brevi, pura veritas ita latitaverit, quod rectumne an falsum, viciatum seu adulterinum fuerit, judicare ac decernere minime valeamus[28],——]

Number XXV. [p. 70.]

21 Maii 1529. Richmount.

Another despatch to Rome. An original.

Cotton lib. Vitell. B. xi. [fol. 119.]

RIGHT well beloved friends, I commend me unto you in my most hearty manner. By the hands of Alexander, messenger, I have in good diligence received your letters of the 4th of this month; and semblably the king's highness hath received your other letters, sent by the same messenger unto his grace: by tenor whereof it well appeareth that the king's highness is now frustrate of the good hope and expectation that his grace and semblably I were in of the pope's firm determination, to have done for his highness in this great and weighty cause of matrimony, as his holiness by his chamberlain promised; not only that which might be done of power ordinary, but also absolute; and that ye be utterly in despair to consecute or attain any thing to the purpose there, to the benefit of the said cause, with the strange demeanour that hath been used in calling you to make answer, why the supplication presented by the emperor's ambassador for advocation of the cause should not proceed; and how discreetly and substantially ye have answered and ordered yourselves therein: affirming finally, that as to that matter, ye think it shall not serve to any purpose, but only to stop your suit in the obtaining of a new commission, and desiring to be ascertained of the king's pleasure touching the protestation mentioned in your instructions,

[28] [This clause of a sentence which occurs in fol. 237, interlined, is added here in the original MS. at an interval of about a third of a page.]

and how the same is meant and understanded, with many other things comprised in your said letters, right well and substantially couched and handled; for the which the king's highness giveth you hearty thanks, and I also thank you in most hearty manner for my part.

Ascertaining you, that by Thadeus, courier, upon receipt of your former letters sent by him, who I trust be arrived with you long before this time; I wrote unto you the king's mind and pleasure, as well to forbear any further pursuits of the degrees committed unto your charge, except only the expedition of a new commission and policitation mentioned in the same, as also that you Mr. Stevyns, and sir Francis Brian, should return home, like as my said letters purported. And forasmuch as now it appeareth, that there is no hope for you to attain the said commission and policitation, the king's highness supposing that ye the said Mr. Stevyns and sir Francis be on your way homeward; and perceiving that it should be necessary for his grace to have there a substantial counsellor of his, well learned in the laws, as well to defend all such things as shall be procured or set forth by the Cæsareans, to the hindrance of the king's cause, as to let and empeche any advocation, inhibition, or other thing that may be damageable thereunto, hath despatched thither this bearer Mr. Bennet, who hath commandment to shew unto you, and every of you, wheresoever he
72 shall meet with or find you, his whole instructions[29], by tenor whereof ye shall be advertised of the king's further mind and pleasure in that behalf; wherefore this shall be only to signify unto you, how his highness will that ye now forbear any further pursuit, either for commission, policitation, or rescript to be sent to the emperor for exhibition of the breve, either here or at Rome, but that following in every part the tenor of the said instructions, ye Mr. Stevyns and sir Francis Bryan use all the diligence possible in your voyage homeward, and the residue of you to intend to such things as be mentioned in the said instructions; ascertaining you, that whereas ye were in doubt what is meant by the protestation spoken of in my former letters and your instructions, it was none other thing than in the same instructions was plainly specified and

[29] [These instructions are printed in State Papers, vol. vii. p. 171. They are without date.]

declared; that is to say, failing of all your requests and pursuits touching the king's great matter, to have shewed unto his holiness the danger that might ensue, by losing the entire favour of this prince, by mean of his so strange and unkind dealing with his grace; howbeit, considering in what state the
[fol. 120.] things now be, and how much the pope's holiness seemeth to be inclined to the emperor's part; and yet as appeareth both by your letters, and by such other knowledge as the king hath, his holiness would gladly conserve the king's love and favour, and is loth to do any thing to the prejudice of his cause: it is no time to come to any rigorous or extreme words with his holiness, but in gentle and modest manner to shew himself such words as be mentioned in my said last letters sent by Thadeus; and so without irritation of him, but with conservation of his favour to entertain his holiness in the best manner that may be, without meddling in any other protestation, but only to look what may be done touching such protestation apart, as is mentioned in the said instructions given to Mr. Benet, which with these letters shall be a sufficient information of you all, what to do in the causes to you committed, not doubting but in all other particular suits of bulls, and other things committed unto you, ye Mr. Stevyns and sir Francis Brian, have or will do your best to bring the same with you; the expedition whereof, if they be not sped already, the king's highness committeth to the wisdoms of such of you as shall fortune to be in the court of Rome at the receipt hereof; wherein, and in all other things, his highness trusteth, and I do the semblable, that ye will order yourselves with all effectual diligence, as the special confidence that is put in you doth appertain.

And forasmuch as the greatest thing that is to be looked unto is the importune suit of the Cæsareans, not only to stop any further things to be granted to the king's highness, but also to revoke the commission given to the lord legate Campegius and to me, which should be a clear disappointment and frustration of the king's cause; ye shall therefore look substantially by all politic means to withstand, that no such thing be granted; assuring the pope and all the cardinals, and such other as have respect to the weale of the see apostolic, that if he should do such an high injury to the king and his realm, and an act so contumelious to us his legates, and so contrarious

to his faith and promise, he should thereby not fail so highly to irritate the king and all the nobles of this realm, that
73 undoubtedly they should decline from the obedience of the see apostolic, and consequently all other realms should do the semblable, forasmuch as they should find in the head of the same, neither justness, uprightness, or truth. And this shall be necessary, as the case shall require, well to be inculked and put in his head, to the intent his holiness by the same may be preserved from granting, passing, or condescending to any such thing.

After these letters perfected hither, and read unto the king's highness, albeit that mention is made in sundry places heretofore, that as well ye Mr. Stevyns, and sir Francis Brian, if ye be not returned from the court of Rome, as also the rest of the king's ambassadors, which at the arrival of Mr. doctor Benet shall fortune to be there, shall forbear to make any further means or pursuit for the new commission and policitation, but clearly to use silence therein; yet nevertheless regarding, and more profoundly considering the effect of your letters last sent, it doth plainly appear, that though after the overture made to the pope's holiness of the said new commission, the business chanced to be made by the emperor's ambassador, upon preferring of a supplication for advocation of the cause; which thing by your writing, Mr. Stevyns, to Capasuk was well avoided; yet was there none express refusal made by the pope's holiness to condescend unto the said new commission, but order given that you should consult and confer with the cardinal Anconitane and Simonette upon the same; which conference, by mean of the said business, was deferred and dis- [fol. 121.]
appointed, without any final conclusion or resolution taken thereupon.

Wherefore inasmuch as yet there appeareth none utter despair of obtaining the said new commission and policitation, with some more fat, pregnant, and effectual clauses than the other hath; the king's pleasure is, that notwithstanding any words before mentioned, both ye the said Mr. Stephyns, and sir Francis Brian, if ye be not departed from the court of Rome, do for the time of your demore there, which the king's pleasure is shall not be long, but only for taking of your leave; and also the rest of the king's said orators, after your depart-

ure, shall, as ye shall see the case to require, endeavour your selves as much as may be, to obtain the said new commission and policitation, forseeing always that you handle the matter after such manner, as thereby the pope be not the rather induced to hearken and incline to any pursuits of the imperials for advocation of the cause, which were a total frustration of all the king's intent, but so to use yourselves, as ye shall see to be to the benefit, and not to the hindrance thereof: which 74
done, the king's grace doth refer the good handling of this thing to your wisdoms and discretions, neither to leave the pursuit for the said commission and policitation, if it may without damage be followed; nor to follow it, if thereby you shall see apparent danger of any such advocation, or advantage to ensue to the purpose of the imperialists, like as his highness doubteth not, knowing now the king's mind and pleasure, you will with wisdom and dexterity, order yourselves herein accordingly.

And furthermore, you shall in any wise dissuade the pope for sending either by his nuncio, to be sent into Spain, or otherwise, for the original breve: and if the nuncio be already passed, having charge to speak for sending the same to the court of Rome, then to find the means that a commandment be by the pope's holiness sent after him, not to make any mention thereof: whereunto you the king's said ambassadors shall have a good colour to induce the pope's holiness, saying, as of your selves, that you have well considered your own pursuits for producing the breve at Rome; and because the emperor might per-case think that the pope were about to arect unto him the falsifying of the said breve, therefore you can be contented that that matter be put off, and no mention to be made thereof by his rescripts, nuncio, or otherwise; whereunto it is not to be doubted but the pope's holiness will have special regard, and facilly condescend to your desires in that behalf.

Finally: It appeareth also by certain his letters sent, as well to the king's highness as to me[30], that the pope's holiness is much desirous to study and find a mean and way to satisfy the king's highness in this behalf: amongst which one clause in his letters to me is this; *Tametsi omnium jurisperi-*

[30] [Both these letters bearing date April 21, 1529, are printed in State Papers, vol. vii. pp. 164–6.]

torum[30] *consilium quæsiverimus, sed nihil reperimus, quod vestris oratoribus simul et justitiæ ac honori nostro satisfaceret; sed tamen agimus omnia et tentamus omnes modos regiæ serenitati, ac circumspectioni tuæ satisfaciendi.*

(And it is added in the margin, with Wolsey's hand;

Mi Petre, referas tuis literis pervelim quid tibi et mihi pontifex dixerit de modis excogitandis, et quomodo subridens dicebat, In nomine patris, etc.)

Wherefore since his holiness so plainly declared, that he seeketh the ways and means to satisfy the king's highness, it shall be in any wise expedient, that you the said orators perceiving any towardness of advocation, lay this to the pope's holiness, saying, that that is not the way to satisfy his grace; and yet besides that, by your wisdoms to find the means to understand and know of his holiness what be the ways and means, which his holiness hath studied or can study to satisfy the king according to his writing in this behalf, whereof they shall say his grace is glad, and is very desirous to know and understand the same; and as you shall perceive any towardness or untowardness in the pope in that behalf, so to set forth your pursuits to the best purpose accordingly. And thus heartily fare you well.

From Richmunde, the 21th day of May.

Your loving friend,

T. Carlis Ebor.

[30] [This word in the pope's letter is *jurisperitissimorum*.]

Number XXVI. [p. 70.]

31 May, Rome 1529.

A letter of the pope's to the cardinal. An original.

Dilecto filio nostro Thomæ tituli sanctæ Ceciliæ presbytero, cardinali Eboracensi, in Anglià nostro et sedis apostolicæ legato de latere.

(Clemens *Papa, propriâ manu.*)

Cotton lib. Vitell. B. xi. [fol. 138.]

DILECTE fili noster, salutem et apostolicam benedictionem. Cum Angliæ rex ac circumspectio vestra, vetera vestra erga nos et sedem apostolicam merita novis officiis augeretis, optabamus occasionem, in quâ et vos nostrum amorem cognoscere possetis; sed molestissime tulimus eam primum esse oblatam, in quâ circumsepti angustis terminis justitiæ non possemus progredi quantum vellemus, studio vobis gratificandi, multis ac rationabilibus causis desiderium nostrum impedientibus, quod quidem regiis oratoribus istuc redeuntibus demonstrare conati sumus. Sed super his et publicis negociis copiosius vobiscum loquetur dilectus filius noster cardinalis Campegius.

Datum Romæ die ultimâ Maii, MDXXIX[31].

J.

[31] [A letter from the pope to the king to the same effect, and dated the same day, is printed in State Papers, vol. vii. p. 178.]

Number XXVII. [p. 70.]

April 6, 1529.

The king's letter to his ambassadors, to hinder an avocation of the suit. An original.

By the king.

Henry Rex,

TRUSTY and right well-beloved, we greet you well. Cotton lib. Vitell. B. xi. [fol. 92.]

Since your departure from hence, we have received sundry your letters to us directed, whereof the last bare date at Rome, the 4th day of the last month[32]; and have also seen such other as from time to time ye have sent to the most reverend father in God, our most entirely well-beloved counsellor the lord legate, cardinal, arch-bishop of York, primate of England, and our chancellor: by continue whereof, we have been advertised of the successes, as well of your journey thitherwards, as of such things as ye to that time had done in our causes to you committed; for the which your diligent advertisement, and good acquittal, we give unto you condign thanks: ascertaining you, We do not a little marvel, that in your said last letters ye shew so much desperation of any great favour to be had at the pope's hand in our said causes; considering that neither ye then had spoken with his holiness in the same, ne by
76 such conferences as ye had had with Messer Jacobo Salviati, or other on his behalf, we can perceive but all good favour and towardness; though per-case the superiority of the imperials, and the common fame, led you to think the contrary. Howbeit as you know no credence is to be given unto such common report, nor we trust the same shall prove more true, than hath done the opinion that was of the lord legate Campegius now here resident, whom we find and certainly know to be of a far other sort in his love and inclination towards us, than was spoken, not having such affection towards the emperor, as in

[32] [There is a letter from Gardiner to the king dated March 3, which appears to be the letter alluded to; it is printed in State Papers, vol. vii. p. 152.]

him was suspected. And to be plain with you, if ever he had been of other mind, we have said somewhat to him after such manner as might soon change that intention.

So that little faith is to be given to the outward sayings and opinions of such people as measure every thing at their pleasure; which we doubt not but ye right wisely do consider, and that ye have before this time, by your diligent solicitation made to speak with the pope's holiness for declaration of your charge, proved the contrary. Whereof we shall be glad and joyous to hear; willing and desiring you therefore, according to the great and special confidence that we have in you, to pretermit no time in the diligent handling and execution of your said charge, but by one good way or other to find the mean, if ye have not already done it, to declare the same unto the pope, wherein the good advice and address of the bishop of Verone shall, we trust, do you great furtherance; and by whose means, if ye for the pope's extreme debility or sickness, might in no wise be often admitted unto his presence, ye may signify unto him at great length, our whole mind, desire, and intent, after such form as your instructions and letters given and sent unto you in that behalf do purport. For sure ye may be, it shall highly confer to the benefit of our causes, that ye have there present one so fast and assured friend unto us, as we trust the said bishop of Verone is, who shall be able right largely to countervail, and meet with the malicious practices of the archbishop of Capuan, who is thought to be one of the chief authors and contrivers of the falsities, crafts, and abuses, set forth to the hindrance of our said causes; which no man shall more politicly and facilely deprehend, than the said bishop of Verone may do. And therefore he is by you, with all good means and ways possible, to be entertained; as we doubt not but ye will have special eye and regard to the making, winning, and conservation of as many friends to our purpose as ye can possibly attain; so handling yourselves, as now may appear your dexterity and perfect endeavour to conduce, with your diligent labour and policy, our matters to the speedy, indelayed, and desired end and effect, which ye may be sure we shall not put in oblivion, but will have the same in remembrance accordingly. Marvelling nevertheless, that though ye Mr. Stevyns, could not bring hitherto our

great causes to perfection, ye had not in the mean season advertised us what is done touching such bulls as were to be sped for our other particular matters, whereof no mention is made in your said letters; willing and desiring you therefore, by your next letters, to advertise us in what state and train the same be; knowing right well that ye, being not only by former letters and writings, but also by such as be sent unto you at this time sufficiently and amply instructed of our
77 mind and pleasure, will now so acquit yourself, as shall correspond to the perfect expectation, and firm opinion that we have of you, which we shall not fail to have in our tender consideration to your weale, as is aforesaid. Ye shall also, in your conferences with the said bishop of Verone, understand and know of him, by what ways and means ye may best further his advancement to the cardinality; exhorting him, for the manifold good effects that thereof may ensue, to conform himself to the acceptation thereof, if it may be obtained; for doubtless his virtue, wisdom, experience, fidelity, and other great and commendable merits well considered, we think no man more meet at this time to be preferred thereunto than him: and therefore our express mind and pleasure is, that ye[33] by all the ways and means to you possible. And finally we will that ye shew unto him how effectually we have written unto you in that behalf, to the intent, being advanced thereunto, he may give us the better thanks, and in every way bear to us the more perfect affection. And by your next letters, we will that ye advertise us what advocates ye have on our part, with their names and qualities; finding the means also, if it be possible, to retain some notable and excellent divine, a frere, or other that may, can, or will firmly stick to our causes, in leaning to that, *quod pontifex ex jure divino non potest dispensare,* and of all the successes to advertise us, as our special trust is in you.

Given under our signet, at our manor of Greenwich, the 6th of April.

[33] [Some expression equivalent to *further it* has been omitted here.]

Number XXVIII. [p. 73.]

The king's letter to his ambassadors, about his appearance before the legates. An original.

June 23, 1529.

To our trusty and right well-beloved counsellors, Mr. William Benet, doctor of both laws; sir Gregory de Cassalys, knight; and Mr. Peter Vannes, our secretary for the Latin tongue, our ambassadors, resident in the court of Rome, and to every of them.

By the KING.

Henry R.

Cotton lib. Vitell. B. xi. [fol. 163.]

TRUSTY and right well-beloved, we greet you well. By former letters and writings sent to you, sir Gregory and Mr. Peter, with other of your colleagues then being at Rome, and by such conference as was had with you Mr. Benet before your departure, ye were advertised in what state then stood our cause and matter of matrimony, and how it was intended that the process of the same should with diligence be commenced before the pope's legates here, being authorized for that purpose. Since that time, ensuing the deliberation taken in that behalf, the said legates, all due ceremonies first observed, have directed citations both to us and to the queen, for 78
our and her appearance before them the 18th day of this month: which appearance was duly on either party kept, performed, and all requisite solemnities accomplished: at which time the queen trusting more in the power of the imperialists, than in any justness of her cause, and thinking of likelihood, by frustratory allegations and delays, to tract and put over the matter to her advantage, did protest at the said day, putting in libels, recusatories of the judges; and also made a provocation, alleging the cause to be avoked by the pope's holiness, *et litis pendentiam coram eodem;* desiring to be admitted for probation thereof, and to have a term competent for the same: whereupon day was given by the judges till the 21th of the same

month, for declaration of their minds and intentions thereunto; the queen in person, and we by our proctor enjoined to appear the same day, to hear what the said judges should determine in and upon the same. At which time both we and the queen appeared in person; and notwithstanding that the said judges amply and sufficiently declared, as well the sincerity of their minds directly and justly to proceed without favour, dread, affection, or partiality; as also that no such recusation, appellation, or term for proving of *litis pendentiam*, could or might be by them admitted: yet she nevertheless persisting in her former wilfulness, laid in her appeal, which also by the said judges was likewise recused: and they minding to proceed further in the cause, the queen would no longer make her abode to hear what the said judges would fully discern, but incontinently departed out of the court; wherefore she was thrice precognisate, and called eft-soons to return and appear; which she refusing to do, was denounced by the judges *contumax*, and a citation discerned for her appearance on Friday next, to make answer to such articles and positions as should be objected unto her. So as now it is not to be doubted, but that she will use all the ways and means to her possible, to impetrate and attain such things as well by her own pursuit, as by her friends, as may be to the impeachment of the rightful process of this cause, either by advocation, inhibition or otherwise. Wherefore seeing now in what state this our matter standeth and dependeth, necessary and requisite for the great consequences hanging upon the same, not only for the exoneration of our conscience, but also for the surety of our succession, and the weale of this our realm and people, to be with all celerity perfected and obsolved[34]; it was thought convenient to advertise you of the premisses, to the intent ye being before well and sufficiently instructed in all [fol. 164.] things concerning the same, shall by your wisdoms and diligences have special regard that nothing pass or be granted there by the pope's holiness, which may either give delay or disappointment to the direct and speedy process to be used in this cause, neither by advocation of the cause, inhibition nor otherwise; but that if any such thing shall, by the Cæsareans,

[34] [This word is probably a mistake of writing for *absolved*. It was printed *observed* in the folio editions.]

or by her agents, or other, be attempted, or desired, ye like men of wisdom, good zeal, learning, and experience, diligently procure the stopping thereof, as well upon such reasons and considerations as before have been signified unto you, as by inferring the high and extreme dishonour, and intolerable prejudice that the pope's holiness thereof should do to his said legates; and also the contrariety both of his bull and commission, and also of his promise and policitation passed upon the same; beside the notable and excellent displeasure thereby to 79
be done by his holiness to us, and our realm, clear contrary to our merits and deserts; extending also the other dangers mentioned in the said former writings, apparent to ensue thereby to his holiness, and the see apostolic, with the manifold, and in manner, infinite inconveniences like to follow of the same to all Christendom, and all other such reasons, introductions and persuasions as ye can make and devise for that purpose: putting him also in remembrance of the great commodity coming unto his holiness herein, by reason that this cause being here decided, the pope not only is delivered from the pain that he should in this time of disease and sickness, to the extreme peril of his life, sustain with the same, seeing that it is of such moment and importance, as suffereth no tract or delay; but also his holiness shall by such decision here eschew and avoid all displeasure that he should not fail to have, if it were or should be passed elsewhere: which matter is no little wisdom well to forsee and consider, and not only to forbear to do or pass any thing derogatory or prejudicial to his said commission, but also by all means possible to corroborate and fortify the same, and all such acts judicial as shall pass by his said legates by virtue thereof. Like as we doubt not but that the pope's holiness, of his uprightness, virtue, and
[fol. 165.] perfect wisdom will do; and rather like a most loving father and friend, tender and favour our good, just and reasonable causes and desires, putting thereunto all the furtherance he may do, than to do or consent to be done any thing hurtful, prejudicial, damageable, or displeasant unto us, or this our said cause. And finally; if need shall be, we will ye also infer, as the case shall require, how inconvenient it were this our matter should be decided in the court of Rome; which now dependeth totally in the emperor's arbitre, having such puis-

sance near thereunto, that, as hath been written by the pope's own letters, their state and life there is all in the emperor's hand, whose armies may famish or relieve them at their pleasure. And semblably ye shall not forget the prerogative of our crown and jurisdiction royal, by the ancient laws of our realm, which admitteth nothing to be done by the pope to the prejudice thereof, and also what danger they should incur that would presume to bring or present any such thing unto the same, as in our last letters sent by Alexander was touched at good length. Wherein since ye be already so well and amply instructed, knowing also how much the matter importeth and toucheth us, and what profit and agreeable service ye may do unto us herein, with the high thanks that ye may deserve for the same; we shall not be more prolix, but refer the substantial, perfect, and assured handling hereof to your circumspections, fidelities, and diligences, not doubting but that ye will now above all other things, look vigilantly hereunto, and so acquit yourselves in the same, as it may well appear that your acts shall be correspondent to our firm trust and expectation, and no less tender this thing than ye know it to be imprinted in the bottom of our heart, ne than as ye know both the importance and high moment, and also the very necessity of the matter doth require. In which doing, beside the laud and praise that ye shall consecute thereby of all good men, we shall so have your acquittals in our remembrance, as ye shall
80 have cause to think your travails, pains, and studies herein, in the best wise collocate and employed.

Given under our signet, at our place of Bridewell, the 23th day of June [35].

[35] [There is a letter of Wolsey's to sir Gregory Cassali dated June 24, and another of Gardiner's to Vannes June 25, which allude to the consequences of an avocation of the cause to Rome. Both are printed in State Papers, vol. vii. pp. 188, 190.]

Number XXIX. [p. 75.]

Rome, 9 July, 1529.

Doctor Bennet's letter to the cardinal, shewing how little they might expect from the pope. An original.

Cotton lib. Vitell. B. xi. [fol. 192.]

PLEASETH it your grace to understand, that the 6th day of this month the pope's holiness sent for us: Albeit we had made great suit for audience before to his holiness, soon after that we had understanding that his holiness was recovered of this his last sickness, into the which he fell the second day, after that I had my first audience of his holiness, which was the 21st day of the last month: and after our long communication and reasoning in the king's highness' cause, which, at length, we have written to your grace in our common letter, for a confirmation of many inconvenients and dangers which we persuaded to his holiness, to follow both to himself and to the see apostolic, in case his holiness should advoke the cause; I thought much convenient at that same time to deliver the king's familiar, and likewise your grace's letter, and so to shew your grace's credence to his holiness. After the foresaid letters delivered, and by his holiness read, his holiness shewed me, that he perceived by your grace's letters, that I had certain credence to shew unto him of great moment and importance, concerning him and the see apostolic. I shewed to his holiness that your grace's faith and observance, his holiness doth best know; most humbly besought his holiness to believe these undoubtedly to follow, That if his holiness should, at the labours of the Cæsarians, advoke the cause, he should not alonely to offend the king's highness, which hitherto hath been a stay, a help, and a defence of the see apostolic; but also by reason of this injury, without remedy, shall alienate his majesty and realms, with other, from the devotion and obedience of the see apostolic. This I shewed his holiness, that your grace doth evidently perceive to follow, in case his holiness should incline to the Cæsarians' desire on this behalf: yea further, I said, that your grace most clearly perceiveth also by that act, the church of England utterly to be destroyed, and likewise your

person; and that these your grace, with weeping tears, most lamentably committed unto me to shew to his holiness. Furthermore I shewed to his holiness, that your grace, howsoever you should proceed in this cause, did intend to proceed so sincerely, indifferently, and justly, that you would rather suffer to be jointed, joint by joint, than either for affection or fear, do any act other against your conscience or justice. Furthermore I said, that seeing his holiness may be so well assured, that your grace will do nothing but according to justice in this cause, may the more boldly deny the advocation to the Cæsarians, seeing that the queen and the emperor can desire but justice, which they may have at your grace's hand, and my
81 lord Campegius', as well there as here; and by this means his holiness should deliver himself from great pains and unquietness of mind, which he should sustain in case the cause should be known here, where he should have the king's highness on one part, and the emperor on the other side, daily calling [fol. 193.] upon his holiness. To this his holiness most heavily, and with tears, answered and said, That now he saw the destruction of Christendom, and lamented that his fortune was such to live to this day, and not to be able to remedy it, (saying these words) For God is my judge, I would do as gladly for the king, as I would for myself; and to that I knowledge myself most bounden, but in this case I cannot satisfy his desire, but that I should do manifestly against justice to the charge of my conscience, to my rebuke, and to the dishonour of the see apostolic; affirming, that his counsel shews him, that seeing the Cæsarians have a mandate or proxy of the queen, to ask the advocation in her name, he cannot of justice deny it, and the whole signature be in that same opinion; so that though he would most gladly do that thing that might be to the king's pleasure; yet he cannot do it, seeing that signature would be against him whensoever the supplication should be up there: and so being late, we took our leave of his holiness, and departed, *seeing that we could obtain nothing of the pope for stopping the advocation, we consulted and devised for the deferring of it, till such time as your grace might make an end[36]* in the cause there. And so concluded

[36] [Within the asterisks is in cipher, the deciphering being interlined.]

upon a new device, which at length we have written in our common letter, wherein I promise your grace, Mr. Gregory has used great diligence, and taken great labours. At this time, we can do no more for our lives. And if your grace saw the importune labour of the ambassadors of the emperor's and Ferdinandoes, you would marvel, I promise your grace. They never cease; wherefore in staying hitherto, as we have done, it is marvel, as God knoweth, who preserve your grace in health and prosperity *ad multos annos*. I beseech your grace most humbly to commend me to the king's highness; and likewise I beseech your grace to pardon my ill writing.

At Rome the 9th day of July[37].

Your daily beadman
and servant,
W. Benet.

[37] [A letter of the same date from Vannes to the king is printed in State Papers, vol. vii. p. 191. and another from Vannes to Wolsey of the same date occurs in Vitell. B. xi. fol. 187.]

Number XXX. [p. 76.]

A letter of the pope's to the cardinal concerning the avocation. An original.

[*Dilecto filio nostro Thomæ tituli sanctæ Ceciliæ presbytero cardinali Eboracensi in Angliâ nostro et sedis apostolicæ legato de latere.*]

[CLEMENS PP. VII.]

DILECTE fili noster, salutem et apostolicam benedictionem. Difficile est nobis explicare literis, quâ nostrâ molestiâ seu potius dolore fuerimus coacti ad avocationem causæ istic commissæ concedendam; nam etsi res ita fuit justa ut tanto tempore differri non debuerit, tamen nos qui isti serenissimo regi pro ejus singularibus erga nos et apostolicam sedem meritis placere
82 in omnibus cupimus, sicut consuevimus, ægre nunc adducti sumus, ut quamquam justitiâ cogente, quicquam contra ejus voluntatem concederemus. Nec vero minus, fili, doluimus tuâ causâ cui rem hanc tantæ curæ esse perspeximus quantam tua erga dictum regem fides et amor postulat; sed tamen quod datur justitiæ minus esse molestum debet, cum præsertim id fuerit tam dilatum a nobis, omniaque antea pertentata ne ad hoc descenderemus. Itaque optamus in hoc adhiberi a te illam tuam singularem prudentiam et æquitatem, persuadereque te tibi id quod est, nos, qui semper vobis placere quantum nobis licuit studuimus, id quod vestro maximo merito fecimus, et semper facturi sumus, nunc non nisi invitos et justitiâ coactos quod fecimus, fecisse: teque omni studio et amore hortamur, ut dictum regem in solitâ erga nos benevolentiâ retinere velis, eique persuadere, nihil ex hoc apud nos de benivolentiâ erga se veteri imminutum unquam fore, quod recipiemus a circumspectione tuâ longe gratissimum. Quemadmodum plenius dilectus filius noster cardinalis Campegius hæc circumspectioni tuæ explicabit.

Cotton lib. Vitell. B. xi. [fol. 207.]

Dat. Romæ apud sanctum Petrum sub annulo piscatoris die 19 Julii MDXXIX. Pontificatûs nostri anno sexto[38].

Blosius.

[38] [There are two copies of this document precisely resembling each other, both written on vellum, the only difference being that here and there some words are transposed.]

Number XXXI. [p. 83.]

Act 26. anno regni 21. Henr. VIII.

An act for the releasing unto the king's highness of such sums of money as was to be required of him, by any his subjects, for any manner of loan, by letters missives, or other ways or means whatsoever.

[Cap. 24. Statutes, vol. iii. p. 315.]

Item quædam alia billa formam cujusdam actûs in se continens, exhibita est præfato domino regi in parliamento prædicto, cujus quidem billæ tenor sequitur in hæc verba.

THE king's humble, faithful, and loving subjects the lords spiritual and temporal, and commons in this present parliament assembled, considering and calling to their remembrances, the inestimable costs, charges and expenses, which the king's highness hath necessarily been compelled to support and sustain, since his assumption to his crown, estate, and dignity royal; as well first for the extinction of a right dangerous and damnable schism sprung and risen in the church; which by the providence of Almighty God, and the high prudence, provision, and assistance of the king's highness, was, to the great honour, laud, and glory of his majesty, repressed; the enemies then being of the church, reformed, returned, and restored to the unity of the same, and peace over all composed and concluded, as also for the modifying of the insatiable and inordinate ambition of those which do aspire unto the monarchy of Christendom, did put universal trouble and division in the same, intending, if they might, not only to have subdued this realm, but also all the rest unto their power and subjection: for the resistance whereof, the king's highness was compelled, after an universal peace, by the great study, labour, and travail of his grace conduced, and the same by some of the contrahents 83
newly violate and infringed, ensuing the form of the treaties thereupon made, again and[39] take armour. And over and beside the notable and excessive treasure and substance which his

[39] [For *and* which appears to be a mistake, unless there is some omission after *again, to* was printed in the folio editions.]

highness in his first wars had employed for the defence of the church, the faith catholic, and this his realm, and of the people and subjects of the same, was eftsones brought of necessity to new, excellent, and marvellous charges, both for the supportation of sundry armies by sea and by land; and also for divers and manifold contributions outward, to save, keep, and contain his own subjects at home in rest and repose; which hath so politicly been handled and conduced, that when the most part of all religious Christians have been infested with cruel wars, discords, divisions, and dissensions, the great heads and princes of the world brought into captivity; cities, towns, and places, by force and sedition, taken, spoiled, burnt, and sacked; men, women, and children found in the same slain and destroyed; virgins, wives, widows, and religious women, ravished and defiled; holy churches and temples polluted, and turned into profane use; the relics of the holy saints irreverently treated; hunger, dearth, and famine, by mean thereof in the said outward religions ensuing, and generally over all, depopulation, waste, destruction and confusion; the king's said subjects in all this time, were by the high providence and politic means of his grace nevertheless preserved, defended, and maintained, from all these inconvenients and dangers; and such provisions taken, by one way or other, so as reasonable commodity was always given unto them to exercise their traffics of merchandise, and other their crafts, mysteries, and occupations for their living; which could not possibly have been brought about unless then the king's highness, with continual studies, travails, and pains, and with his infinite charges and expenses, had converted the peril and danger of the enterprises and exploits, set forth for reducing of the enemies unto peace, from his own subjects unto strangers: whereof finally such fruit and effect is ensued, as by the king's excellent policy, puissance, and means, general and universal peace is established amongst all Christian princes; and this realm now, thanked be God, constitute in far better, and more assured and profitable amity with all outward parties, than hath been at any time whereof is memory or remembrance. Considering furthermore, that his highness, in and about the premisses, hath been fain to employ not only such sums of money as hath risen and grown by any manner con-

tribution made unto his grace by his said loving subjects; but also over and above the same, sundry other notable and excellent sums of his own treasure, and yearly revenues which else his grace might have kept and reserved to his own use; amongst which manifold great sums so employed, his highness also, as is notoriously known, and as doth evidently appear by the accompts of the same, hath to that use and none other, converted all such money, as by any his subjects and people spiritual or temporal, hath been advanced unto his grace by way of prest and loan, either particularly, or by any taxation made of the same, being thing so well collocate and bestowed, seeing the said high and great fruits and effects thereof ensued, 84
to the honour, surety, weal, perfect commodity, and perpetual tranquillity of this said realm, as nothing could better ne more to the comfort of his said subjects be desired, studied, or imagined; Of one mind, consent and assent, and by authority of this present parliament, do for themselves and all the whole body of the realm whom they do represent, freely, liberally, and absolutely, give and grant unto the king's highness by authority of this present parliament, all and every sum and sums of money, which to them, and every of them, is, ought, or might be due, by reason of any money, or any other thing, to his grace at any time heretofore advanced, or paid, by way of prest or loan, either upon any letter or letters under the king's privy seal, general or particular, letter missive, promise, bond, or obligation of repayment, or by any taxation, or other assessing, by virtue of any commission or commissions, or by any other mean or means whatsoever it be heretofore passed for that purpose, and utterly, frankly, liberally, and most willingly and benevolently, for them, their heirs, executors, and successors, do remit, release, and quit claim, unto his highness, his heirs, and successors for ever, all and every the same sums of money, and every parcel thereof, and all and singular suits, petitions, and demands, which they, or any of them, their heirs, successors, or executors, or the heirs, executors or successors of any of them have had, have or may have for the same, or any parcel thereof; most humbly and lovingly beseeching his highness, for the more clear discharge for the same, that it may be ordained and enacted by the king, our said sovereign lord, the lords spiritual and temporal, and the commons in

this present parliament assembled, and by authority of the same, that all promises, bonds, writings obligatory, letters under the king's privy seal, signet, sign manual, or great seal passed, and other bond or promise whatsoever they be, had, or made, to any person or persons, spiritual or temporal, shire, city, borough, wapentake, township, hamlet, village, hundred, monastery, church, cathedral or collegiate, or to any guild, fraternity, or body corporate, fellowship, or company, or other whatsoever, having capacity to take any bond especially and generally, jointly and severally, touching or concerning the said prest or loan, and every of them, or the repayment of any sum or sums of money for the same, be from henceforth void and of none effect.

Cui quidem billæ prædictæ et ad plenum intellectæ per dictum dominum regem ex assensu et auctoritate parliamenti prædicti taliter est responsum.

Notre sire le roy remercie les seignures et ses communes de leur bonne cueurs en faisaunt cest graunte et icell sa majeste accepte et tout le contein en cest escripture a graunt et approve avecques les articles en cest escripture specifies.

Number XXXII. [p. 86.] 85

A letter from Gardiner and Fox, about their proceedings at Cambridge. An original.

Feb. 1530. from Cambridge by Stephen Gardiner.

To the king's highness.

Cotton lib. Vitell. B. xiii. [fol. 51.]

PLEASETH it your highness to be advertised, that arriving here at Cambridge upon Saturday last past at noon, that same night, and Sunday in the morning, we devised with the vice-chancellor, and such other as favoureth your grace's cause, how and in what sort to compass and attain your grace's purpose and intent; wherein we assure your grace, we found much towardness, good will, and diligence, in the vice-chancellor and Dr. Edmunds, being as studious to serve your grace as we could wish or desire. Nevertheless there was not so much care, labour, study, and diligence employed on our party, by them, ourself, and other, for attaining your grace's purpose, but there was as much done by others for the lett and empeachment of the same. And as we assembled, they assembled, as we made friends they made friends, to let that nothing should pass as in the university's name; wherein the first day they were superiors, for they had put in the ears of them, by whose voices such things do pass, *multas fabulas*, too tedious to write unto your grace.

Upon Sunday at afternoon were assembled, after the manner of the university, all the doctors, bachelors of divinity, and masters of art, being in number almost two hundred: in that congregation we delivered your grace's letters, which were read openly by the vice-chancellor. And for answer to be made unto them, first the vice-chancellor calling apart the doctors, asked their advice and opinion: whereunto they answered severally, as their affections led them, *et res erat in multâ confusione. Tandem* they were content answer should be made to the questions by indifferent men: but then they came to exceptions against the abbot of St. Benett's, who seemed to come for that purpose; and likewise against doctor

Reppes, and doctor Crome; and also generally against all such as had allowed doctor Cranmer's book, inasmuch as already they had declared their opinion. We said thereunto, that by that reason they might except against all; for it was lightly, that in question so notable as this is, every man learned hath said to his friend as he thinketh in it for the time; but we ought not to judge of any man, that he setteth more to defend that which he hath once said, than truth afterward known. Finally, the vice-chancellor, because the day was much spent in those altercations, commanding every man to resort to his seat apart, as the manner is in those assemblies, willed every man's mind to be known secretly, whether they would be content with such an order as he had conceived for answer to be made by the university to your grace's letters; whereunto that night they would in no wise agree. And forasmuch as it was then dark night, the vice-chancellor continued the congregation till the next day at one of the clock; at which time the vice-chancellor proponed a grace after the form herein inclosed;
86 and, it was first denied: when it was asked again, it was even on both parties, to be denied or granted; and at the last, by labour of friends to cause some to depart the house which were against it, it was obtained in such form as the schedule herein enclosed purporteth; wherein be two points which we would have left out; but considering that by putting in of them, we allured many, and that indeed they shall not hurt the determination for your grace's part, we were finally content therewith.

The one point is that where it was first, that *quicquid major pars* of them that be named *decreverit,* should be taken for the determination of the university. Now it referred *ad duas partes,* wherein we suppose shall be no difficulty.

The other point is, that your grace's question shall be openly disputed, which we think to be very honourable; and it is agreed amongst us, that in that disputation, shall answer, the abbot of Saint Benett's, doctor Reppes, and I and Mr. Fox, to all such as will object any thing, or reason against the conclusion to be sustained for your grace's part. And because Mr. doctor Clyffs hath said, that he hath somewhat to say concerning the canon-law; I your secretary shall be adjoined unto them for answer to be made therein. In the schedule

which we send unto your grace herewith, containing the names of those who shall determine your grace's question, all marked with A. be already of your grace's opinion; by which we trust, and with other good means, to induce and attain a great part of the rest.

Thus we beseech Almighty God to preserve your most noble and royal estate. From Cambridge the day of February.

Your highness' most humble
Subjects and servants,
Stephen Gardiner,
Edward Foxe.

Cotton lib. Vitell. B. xiii. [fol. 53·]

The grace proposed and obtained, Feb. 1530. 87

Placet vobis ut

A. Vicecancellarius.

Doctores.

A. Salcot. The abbot of St. Benett's.
Watson.
A. Reps.
Tomson.
Venetus, *de isto bene speratur.*
A. Edmunds.
Downes.
A. Crome.
A. Wygan.
A. Boston.

Magistri in Theologiâ.

Myddelton.
A. Heynes.
Mylsent, *de isto bene speratur.*
A. Shaxton.
A. Latymer.
A. Simon.
Longford, *de isto bene speratur.*
Thyxtel.
Nicols.
Hutton.
A. Skip.
A. Goodrich.
A. Heth.
Hadwey, *de isto bene speratur.*
Dey.
Bayne.
A. A. Duo Procuratores.

HABEANT plenam facultatem et auctoritatem, nomine

totius universitatis, respondendi literis regiæ majestatis in hâc congregatione lectis, ac nomine totius universitatis diffiniendi et determinandi quæstionem in dictis literis propositam : ita quod quicquid duæ partes eorum præsentium inter se decreverint, respondendi dictis literis, et definierint ac determinaverint super quæstione propositâ, in iisdem habeatur, et reputetur pro responsione, definitione et determinatione totius universitatis, et quod liceat vicecancellario, procuratoribus et scrutatoribus, literis super dictarum duarum partium diffinitione et determinatione concipiendâ sigillum commune universitatis apponere : sic quod disputetur quæstio publice et antea legatur coram universitate absque ulteriori gratiâ desuper petendâ aut obtinendâ.

Your highness may perceive by the notes, that we be already sure of as many as be requisite, wanting only three; and we have good hope of four; of which four if we get two, and obtain of another to be absent, it is sufficient for our purpose.

Number XXXIII. [p. 91.]

July 1, 1530.

A letter from Croke out of Venice, concerning the opinions of divines about the divorce. An original. 88

Cotton lib. Vitell. B. xiii. [fol. 91.]

PLEASE it your highness to be advertised, that as this day I obtained the common seal of the university of Padua, in substantial and good form; for all the doctors were assembled upon Sunday, and the case was amongst them solemnly and earnestly disputed all Monday, Tuesday, Wednesday, and Thursday, and this present Friday in the morning again: and thereupon they concluded with your highness, and desired a notary to set his sign and hand unto an instrument, by Leonicus and Simonetus devised, in corroboration of your cause, and thereby to testify that this instrument was their deed, device, act, and conclusion; and[27] more credence to be given to the said instrument, they caused the chancellor of the potestate here to set his hand and seal for the approbation of the authority of the notary: a copy of all the which things I send unto your highness by this bearer, in most humble wise beseeching the same to be advertised, that the general of the blackfriers hath given a commandment, that no blackfrier dispute the pope's power; notwithstanding prior Thomas Omnibonus procureth daily new subscriptions, and will do till the breve of contrary commandment shall come unto his hands.

My fidelity bindeth me to advertise your highness, that all Lutherans be utterly against your highness in this cause, and hath letted as much with their wretched poor malice, without reason or authority, *as they*[28] could and might, as well here, as in Padua and Ferrare, where be no small companies of them. I doubt not but all Christian universities, if they be well handled, will earnestly conclude with your high-

[27] [The words *for the* which are printed here in all the editions do not occur in the MS.]

[28] [These words within asterisks are interlined in a different hand and ink.]

ness. And to obtain their assent, as well through Italy, France, Almeyne, Austriche, Hungrye, and Scotland, I think it marvellous expedient, for the preferment of this your most honourable and high cause.

As from the seigniory and dominion of Venice toward Rome, and beyond Rome, I think there can be no more done than is done already. Albeit, gracious lord, if that I had in time been sufficiently furnished with money, albeit I have beside this seal procured unto your highness one hundred and ten subscriptions, yet it had been nothing in comparison of that that I might easily and would have done; and at this hour I assure your highness, that I have nother provision ne money, and have borrowed an hundred crowns, the which also are spent about the getting of this seal; of the which my need, and divers impediments in your highness' causes here, I have advertised your highness by many and sundry letters, and with the same sent divers books and writings, part to Hierom Molyns a Venetian, and factor to Mappheus Bernardus by the hands of your subject EdmondeHerwell, part directed to Mr. Tuke, whereof I am nothing ascertained whether they be exhibited unto your highness or not, to no little discomfort unto me; notwithstanding I have reserved a copy of all things, letters, and other, and
89 herein inclosed a bill, specifying by whom and to whom I directed my said letters, in most humble wise, beseeching your most regal clemency, to ponder my true service and good endeavours, and not to suffer me to be destitute of money, to my undoing, and utter loss of your most high causes here: for of myself I have nothing whereby to help myself. And thus the most blessed Trinity keep and preserve your highness in his most royal estate.

At Venice, the first day of July at night, anno ——XXX.

Your highness shall receive a letter herewith from Simonetus [29].

[29] [A letter from Venice to the king from Croke dated June 22, 1530, is printed in State Papers, vol. vii. p. 241; also two others from Stokesley to the king bearing on the same subject, ibid. pp. 253–260.]

Number XXXIV. [p. 92.]

The judgment of the universities concerning the king's marriage; taken from the printed edition of them. London, 1532[30].

Censura facultatis sacræ theologiæ almæ universitatis Parisiensis.

[*Determinatio theologorum universitatis Parisiensis*, ap. Rymer, xiv. p. 393. *ex Autogr.*]

DECANUS ET FACULTAS sacræ theologiæ almæ universitatis Parisiensis, omnibus ad quos præsens scriptum pervenerit, salutem in eo qui est vera salus.

Cum nuper subortâ magnæ difficultatis controversiâ super invaliditate matrimonii, inter serenissimum Henricum Octavum Angliæ regem, fidei defensorem, et dominum Hiberniæ, ac illustrissimam dominam Katherinam Angliæ reginam, claræ memoriæ Ferdinandi regis catholici filiam contracti, et carnali copulâ consummati, illa etiam nobis quæstio in justitiâ, et veritate discutienda et examinanda proposita fuerat, videlicet,

An ducere relictam fratris mortui sine liberis sic esset jure divino et naturali prohibitum, ut interveniente summi pontificis dispensatione, non possit fieri licitum, ut quis Christianus relictam fratris ducat, et habeat in uxorem,

Nos decanus et facultas antedicta, cogitantes, quam esset pium et sanctum, necnon debito charitatis, et nostræ professioni consentaneum, ut hiis, qui in lege domini, securâ tranquillâque,

[30] [All these documents have been corrected from the originals as printed by Rymer, the titles as given by Burnet having been retained. The variations are numerous but unimportant, consisting chiefly of differences in the spelling and places of words. A copy of the volume referred to is in the Grenville Library, No. 1251, in the British Museum, dated April 1530. It consists of seventy-two leaves not paged or foliated, and the documents are not in the order in which Burnet has printed them.

The editor has seen three other copies of the volume, which are in the Bodleian and precisely resemble that in the Grenville Library, and there is no probability of there ever having been an edition of 1532 as stated by the author. It is very remarkable that whereas on the last leaf the volume is stated to have been printed in April 1530, nearly all the judgments of the universities printed in it are of later date. They are in two sheets marked a, b; whilst the third sheet is marked A, which alone would indicate that the first two sheets were printed later than the rest of the volume.]

conscientiâ vitam hanc ducere, et transigere cupiant, viam justitiæ ostenderemus, noluimus tam justis et piis votis deesse ;

Hinc more solito, apud ædem sancti Mathurini per juramentum convenientes, et solemni missâ cum invocatione Spiritûs Sancti ob hoc celebratâ, nec non præstito juramento de deliberando super præfatâ quæstione, secundum Deum et conscientiam ; post varias et multiplices sessiones, tam apud ædem sancti Mathurini, quam apud collegium Sorbonæ, ab octavâ Junii usque ad secundam Julii habitas, et continuatas, perscrutatis prius excussisque quam diligentissime, câ quâ decuit reverentiâ et religione, sacræ scripturæ libris eorumque probatissimis interpretibus, necnon sacro-sanctæ ecclesiæ generalibus ac sinodalibus conciliis decretis et constitutionibus longo usu receptis et approbatis,

Nos prædicti decanus et facultas de prædictâ quæstione disserentes, et ad eam respondentes, sequentes unanime judicium et consensum majoris partis totius facultatis,

ASSERUIMUS ET DETERMINAVIMUS, prout et in hiis scriptis per præsentes ASSERIMUS ET DETERMINAMUS,

Quod prædictæ nuptiæ cum relictis fratrum decedentium sine liberis, sic naturali jure pariter et divino sunt prohibitæ, ut super talibus matrimoniis contractis, sive contrahendis, summus pontifex dispensare non possit.

In cujus nostræ assertionis et determinationis fidem et testimonium, sigillum nostræ facultatis cum signo nostri notarii, seu bidelli præsentibus apponi curavimus.

90 Datum in generali nostrâ congregatione per juramentum celebratâ apud sanctum Mathurinum, anno Domini millesimo quingentesimo trigesimo, mensis vero Julii die secundâ.

Censura facultatis decretorum, almæ universitatis Parisiensis.

[*Sententia facultatis decretorum Parisiensis,* ap. Rymer, xiv. p. 392, *ex Autogr.*]

IN NOMINE DOMINI AMEN.

Cum proposita fuisset coram nobis decano et collegio consultissimæ facultatis decretorum Parisiensis universitatis quæstio,

An papa possit dispensare, quod frater possit in uxorem ducere, sive accipere relictam fratris sui, matrimonio consummato per fratrem præmortuum ?

Nos decanus et collegium præfatæ facultatis, post multas disputationes et argumenta hinc inde super hâc materiâ facta ac habita, cum magnâ et longâ librorum, tam divini, quam pontificii et civilis, jurium revolutione,

CONSULIMUS, ET DICIMUS,

Papam non posse in facto proposito dispensare.

In cujus rei testimonium, has præsentes sigillo nostræ facultatis, et signo nostri scribæ primi bedelli munire fecimus.

Datum in congregatione nostrâ apud Sanctum Johannem Lateranensem, Parisius[31] die vicesimâ tertiâ mensis Maii, anno Domini millesimo quingentesimo trigesimo.

Censura almæ universitatis Aurelianensis.

[*Sententia universitatis Aurelianensis super nuptiis cum relictâ fratris*, ap. Rymer, xiv. p. 290, *ex Autogr.*]

CUM ab hinc aliquod tempus nobis collegio doctorum legentium[32] almæ universitatis Aurelianensis propositæ fuerint, quæ sequuntur quæstiones, videlicet;

Si jure divino liceat fratri relictam fratris (quam fratriam vocant) accipere uxorem?

ITEM et si hoc sit eo jure vetitum, utrum divinæ legis prohibitio pontificali dispensatione remitti possit?

Nos prædictum collegium, post multas ad prædictorum dubiorum disputationem, (de more nostro) factas sessiones et congregationes, postque varios utriusque Testamenti interpretumque juris tum divini tum canonici locos (quoad facere potuimus) examinatos, et omnibus mature atque exacte pensatis et consideratis:

Diffinivimus, prædictas nuptias citra divinæ legis injuriam attentari non posse, etiamsi summi pontificis accedat indulgentia, vel permissus.

In cujus rei testimonium præsens publicum instrumentum a scribâ præfatæ almæ universitatis subsignari fecimus, ejusdemque sigillo communiri.

Actum in sacello beatæ Mariæ Boni Nuncii Aurelianensis. Anno Domini millesimo quingentesimo vicesimo nono, die quintâ mensis Aprilis ante Pascha.

[31] [A common mode of writing *Parisiis*. It is also printed so in ed. 1530.]

[32] [A mistake for *regentium* as it is correctly printed in ed. 1530.]

Censura facultatum juris pontificii et legum almæ universitatis Andegavensis.

[*Super nullitate dispensationum papalium, determinatio universitatis Andegavensis*, ap. Rymer, xiv. p. 391. *ex Autogr.*]

Cum certo ab hinc tempore nobis rectori et doctoribus regentibus in pontificiâ et legum disciplinâ almæ universitatis Andegavensis sequentes quæstiones propositæ fuerint, scilicet,

Utrum jure divino pariter et naturali illicitum sit homini Christiano relictam fratris sui, etiam absque liberis, sed matrimonio jam consummato defuncti, ducere uxorem? Et an summo pontifici liceat super hujuscemodi nuptiis dispensare?

Nos præfati rector et rectores[33], post plures ad disputationem hujuscemodi quæstionum, et veritatem aperiendam factas, ex more, congregationes et sessiones, postque varios juris tam
91 divini, quam humani locos, qui ad rem pertinere videbantur, discussos, multas quoque rationes in utramque partem adductas et examinatas, omnibus fideliter consideratis, et maturâ deliberatione præhabitâ,

DEFINIMUS,

Neque divino neque naturali jure permitti homini Christiano, etiam cum sedis apostolicæ authoritate seu dispensatione super hoc adhibitâ, relictam fratris, qui etiam sine liberis post consummatum matrimonium decesserit, uxorem accipere vel habere.

In quorum omnium supradictorum fidem, præsens publicum instrumentum a scribâ seu notario præfatæ almæ universitatis subsignari jussimus, ejusdemque universitatis consueto sigillo muniri.

Actum in æde sacrâ divi Petri Andegavensis in collegio nostro, anno Domini millesimo quingentesimo tricesimo, die septimâ mensis Maii.

Censura almæ universitatis Bituricensis.

[*Sententia universitatis Bituricensis*, ap. Rymer, xiv. p. 392. *ex Autogr.*]

NOS cum decano theologa facultas in universitate Bituricensi (ut doctoris gentium Pauli exemplo plerisque locis auspi-

[33] [This is evidently a mistake for *doctores*, which is printed in ed. 1530.]

cemur scriptum nostrum a precatione) omnibus dilectis Dei in quibus vocati estis, lectores charissimi quique ad quos scribimus, gratia vobis et pax a Deo Patre et Domino nostro Jesu Christo.

Dum complerentur dies inter octavas Pentecostes, et essemus omnes pariter in eodem loco, corpore et animo congregati, sedentesque in domo dicti decani; facta est nobis rursus quæstio eadem, quæ sæpius antea, non quidem parva, hunc in modum:

An rem faciat illicitam necne, frater accipiens in uxorem a præmortuo fratre relictam, consummato etiam matrimonio?

Tandem rei ipsius veritate disquisitâ et perspectâ, multo singulorum labore,et sacrorum iteratâ atque iteratâ revolutione codicum, unusquisque nostrûm non fascinatus, quo minus veritati obediret, cœpit, prout Spiritus Sanctus dedit, suum hoc unum arbitrium eloqui, absque personarum acceptione, .

In veritate comperi personas memoratas in capite Levitici octavo supra decimum prohibitas esse jure ipso naturali, auctoritate humanâ minime relaxabili, vetitas, ne invicem matrimonium contrahant, quo fit fraternæ turpitudinis abominabilis revelatio.

Et hoc vobis signum nostri bidelli notarii publici, cum sigillo dictæ supra nostræ facultatis præsentibus appenso, Die Junii decimâ, anno a Christi nativitate, millesimo quingentesimo trigesimo.

Ut autem nostræ scriptionis pes et caput uni reddantur formæ, quemadmodum sumus auspicati a precatione, ita claudamus illius quo supra exemplo. Gratia Domini nostri Jesu Christi, charitas Dei, et communicatio Sancti Spiritûs sit cum omnibus vobis. Amen.

Censura almæ universitatis Tholosanæ.

[*Sententia universitatis Tholosanæ*, ap. Rymer, xiv. p. 397, *ex origine.*]

Tractabatur in nostrâ Tholosanâ academiâ perquam difficilis quæstio,

Liceatne fratri eam, quæ jam olim defuncto fratri uxor fuerat (nullis tamen relictis liberis) in matrimonium sibi conjungere? Accedebat et alius scrupulus, qui nos potissimum torquebat,

Si Romanus pontifex, cui est commissa gregis Christiani cura, id suâ, quam vocamus, dispensatione permittat, tunc saltem liceat ?

Ad utramque quæstionem agitandam doctores omnes regentes, qui tunc Tholosæ aderant, coegit rector noster in
92 concilium, neque id semel tantum sed etiam iterum : quippe existimans præcipitari non oportere consilia, indigereque nos tempore, ut aliquid maturius agamus. Demum, cum in unum locum omnes, tum sacrarum litterarum disertissimi interpretes, tum utriusque censuræ consultissimi, denique qui quâvis in re et judicio et oratione viri felicibus ingeniis non mediocriter exercitati, sese sacrosanctis conciliis parere velle, sanctorumque patrum haud quaquam piis animis violanda decreta imitari[34] convenissent, et unusquisque suam sententiam protulisset, atque in utramque partem diffuse decertatum esset ; tandem in eam sententiam sic frequentius itum est, ut uno omnium ore alma nostra universitas animis sincerissimis nulloque fermento vitiatis censuerit,

Jure divino pariter et naturali uxorem relictam fratris sui nemini licere accipere. At postquam id lege câdem non licet, responsum est, non posse pontificem aliquem eâ lege solvere. Nec huic sententiæ refragari potest, quod cogeretur olim frater uxorem demortui fratris accipere. Nam hoc figura erat, atque umbra futurorum, quæ omnia adveniente luce et veritate evangelii evanuerunt.

Hæc quoniam ita se habent, in hanc formam redegimus, et per notarium, qui nobis est a secretis, signari, sigillique auctentici ejusdem nostræ almæ matris universitatis jussimus appensione communiri.

Tholosæ decimo quinto kal. Octobris anno a Christo nato millesimo quingentesimo tricesimo.

Censura facultatis sacræ theologiæ universitatis Bononiensis.

[*Sententia universitatis Bononiensis,* ap. Rymer, xiv. p. 393, *ex Autogr.*]

Cum Deus Optimus Maximus veterem legem nedum ad morum vitæque informationem ac institutionem ore suo tradiderit, idemque humanitate sumptâ, mortalium Redemptor Deus novum

34 [It is necessary to supply some word which appears to have been omitted. The reading of the printed copy of 1530 is quite different here.]

condiderit testamentum, scilicet ad dubia, quæ in multis emergebant, tollenda declarandaque contulerit, quæ ad hominum perfectionem elucidata nonnihil conferunt; nostras partes semper fore duximus hujusmodi sanctissima Patris æterni documenta sectari et in rebus arduis ac dubitabilibus, superno illustrato lumine, nostram ferre sententiam, ubi causâ mature consultâ, multisque hinc inde rationibus, scriptisque patrum dilucidata fuerit, nichil quoad possumus, in aliquo temere ferentes. Cum itaque nos, præstantes quidam et clarissimi viri, obnixe rogârint, ut subsequentem casum maximâ diligentiâ perscrutaremur, nostrumque subinde in eum judicium ferremus æquissime, soli veritati innitentes, in unum omnes almæ hujus universitatis doctores theologi convenimus, casu prius per unumquemque nostrûm sigillatim domibus propriis examinato, summâque solertiâ per dies plurimos contrectato: Illum una mox vidimus, examinavimus, contulimus, ad amussimque singula quæque pertractantes ponderavimus, rationes quascumque contrarias, quas fieri posse censuimus, in medium afferentes atque solventes, etiam ipsius reverendissimi domini, domini cardinalis Cajetani, necnon Deuteronomicam dispensationem de fratris suscitando semine, et reliquas tandem omnes sententias oppositas, quæ ad id negotii facere viderentur. Quæsitum est igitur a nobis,

An ex solâ ecclesiæ institutione vel etiam jure divino prohibitum fuerit, ne quis relictam a fratre sine liberis in uxorem ducere valeat? Quod si utrâque lege ne fieri possit, cautum est; an quemquam possit beatissimum pontificem super hujusmodi contrahendo matrimonio dispensare?

Quâ diligentissime (ut diximus) ac exactissime seorsum palamque examinatâ, ac pro viribus nostris, optime discussâ quæstione,

CENSEMUS, JUDICAMUS, DICIMUS, constantissime 93
TESTAMUR et indubie AFFIRMAMUS,

Hujusmodi matrimonium, tales nuptias, tale conjugium horrendum fore, execrabile, detestandum, viroque Christiano, immo etiam cuilibet infideli prorsus abominabile, esseque a jure naturæ divino et humano diris pœnis prohibitum. Nec posse sanctissimum papam (qui tamen fere omnia potest) cui collatæ sunt a Christo claves regni cœlorum: non inquam posse aliquâ ex causâ super hujusmodi contrahendo matrimonio, quemquam dispensare. Ad hujus conclusionis veritatem tutandam, omnes in omnia loca et tempora parati sumus.

In quorum fidem has scripsimus, almæque nostræ universitatis ac sacri venerabilium theologorum collegii sigillo munivimus, solitâ nostrâ generali subscriptione signantes. Bononiæ in ecclesiâ cathedrali, sub divi Clementis VII. pontificatu.

Censura facultatis sacræ theologiæ almæ universitatis Pataviensis.

[*Sententia universitatis Paduæ*, ap. Rymer, xiv. p. 398, *ex Autogr.*]

Testantur, qui catholicam fidem astruunt, Deum Optimum Maximum legis veteris præcepta filiis Isrhael ad exemplar vitæ ac morum nostrorum institutionem ore proprio tradidisse eundemque trabeâ humanitatis inductum[35], Redemptorem omnium factum, novum testamentum condidisse, et nedum propter hoc, sed ad dubia quæcunque emergentia removenda, dilucidandaque nobis misericorditer condonâsse, quæ ad nostri perfectionem enucleata fructus uberes conferunt et salutares. Nostrum semper fuit eritque per sæcula (uti Cristicolas decet) hujusmodi celebratissima summi opificis instituta sectari, et in quibusque dubietatibus, ac arduis quæstionibus supernaturali lumine freti, nostrum proferre judicium, ubi res ipsa optime considerata, multisque hinc inde demonstrationibus, atque patrum auctoritatibus mature declarata fuerit, temere quoad possumus nihil omnino judicantes.

Cum igitur nos, quidam oratores clarissimi, suppliciter exorârint, ut subsequentem casum diligentissime perscrutari dignaremur, atque nostram ferremus subinde sententiam, soli veritati simpliciter attendentes: Quâ ex re omnes hujus almæ universitatis doctores theologi in simul convenimus, re ipsâ prius per nostrûm quemlibet particulariter propriis domibus examinatâ, summâque solertiâ enucleatâ, mox in unum redacti cuncta consideravimus, examinavimus, omniaque sigillatim ponderavimus, argumenta quæcunque contraria, quæ fieri quoquomodo posse putavimus, adducentes, atque integerrime dissolventes, necnon Deuteronomicam dispensationem de fratris suscitando semine, et reliquas omnes rationes atque sententias oppositas, quæ ad id facere videbantur:

Quæstio igitur talis nobis fuit exposita,

[35] [This is *indutum* in the printed copy of 1530.]

An ex solâ sanctæ matris ecclesiæ institutione, vel etiam de jure divino prohibitum fuerit, ne quis relictam a fratre absque liberis in uxorem ducere valeat?

Quod si utrobique fieri nequeat cautum est,

An beatissimus pontifex super hujusmodi contrahendo matrimonio quemquam dispensare legittime possit?

Quo exactissime (ut dictum est) seorsum publiceque discusso, ac pro viribus dilucidato quæsito, dicimus, judicamus, decernimus, attestamur, atque veridice affirmamus,

Matrimonium hujusmodi, tale conjugium et tales nuptias nullas esse immo detestabiles, atque execrandas Cristianoque cuilibet esse, prophanas, et, ut scelus abhominandum, crudelissimis pœnis, 94
jure naturæ, divino et humano, clarissime fore prohibitum. Nec beatissimum pontificem, cui claves regni cœlestis a Cristo Dei Filio sunt collatæ, ullâ ex causâ posse[36] super tali matrimonio contrahendo quemquam juridice dispensare, cum illa, quæ sunt a jure divino prohibita, non subsint ejus potestati, nec in illa gerit vicem Dei, sed solum super ea, quæ sunt commissa jurisdictioni hominum.

Ad cujus sententiæ conclusionisque veritatem tutandam et ejusdem certissimam defensionem, nos unanimes semper et ubique parati sumus.

In quorum fidem has nostras fecimus, almæque universitatis nostræ, ac sacri reverendorum theologorum collegii sigillo solito communivimus.

Datum Paduæ in ecclesiâ heremitarum Sancti Augustini, die primo Julii, millesimo quingentesimo tricesimo.

[36] [It appears from a letter of Stokesley to the king, dated Sept. 23, 1530, from Lyons, that the king wanted some alterations to be made in the 'determination of Padua,' of which Stokesley assures him there is no hope; all that was likely to be obtained being 'an authentical confirmation of their first determination with a more perfect declaration and expression of that that your grace desireth.' One objection which the king made was to the word *debere* which had been accidentally substituted in the place of *posse* by Croke in the copy of the determination which he sent to England. Stokesley asserts that the original has *posse* and not *debere*. The king appears also to have wished the word *contracto* to have been substituted for *contrahendo*. Of this Stokesley observes, 'though there be no expression *de indispensabilitate in matrimonio còntracto*, yet the other words and the reasons alleged there *de indispensabilitate in matrimonio contrahendo*, will bear as well *indispensabilitatem in matrimonio etiam contracto*.' This letter was sent with the original instruments of the determinations of Bologna and Padua. It is printed in State Papers, vol. vii. pp. 253–258.]

Number XXXV. [p. 94.]

The judgment of the Lutheran divines about the king's marriage, ex MSS. R. Smith[40]*, London.*

Ex hâc collatione in quâ audivimus argumenta de Controversiâ divortii serenissimi et illustrissimi regis Angliæ, Franciæ, &c. proposita et diligenter agitata a reverendo domino, domino Edwardo Herefordensi Episcopo, domino Nicolao Archdiacono et domino, doctore Barnes, intelleximus serenissimum regem maximis et gravissimis causis adductum, superatum et conclusum esse, ut in hoc negotio matrimonii sui faceret quod fecit: nam hoc manifestum est et negare nemo potest, quod lex Levit. tradita Lev. xviii. 20. prohibet ducere fratris uxorem, &c. sed divina, naturalis, et moralis lex est intelligenda tam de vivi quam de mortui fratris uxore, et quod contra hanc legem nulla contraria lex fieri aut constitui possit, sicut et tota ecclesia semper hanc legem retinuit, et judicavit hujusmodi nuptias incestas esse, sicut testantur synodorum decreta et sanctissimorum patrum clarissimæ sententiæ, et has nuptias prohibent et vocant incestas etiam jura civilia. Proinde et nos sentimus, et hanc legem de non ducendâ uxore fratris in omnibus ecclesiis servandam esse veluti divinam, naturalem, et moralem legem; nec in nostris ecclesiis vellemus dispensare aut permittere, præsertim ante factum, ut ejusmodi nuptiæ contraherentur et hanc doctrinam possumus et volumus Deo volente facile defendere. Cæterum quantum ad divortium pertinet, nondum sumus plene persuasi ut sententiam nostram ferre possimus, an post contractum matrimonium in hoc casu serenissimi regis debuerit fieri divortium. Rogamus igitur serenissimum regem ut æquo animo ferat, differri nostram sententiam in hâc re donec erimus certiores.

[40] [The sale of Richard Smith's Library took place in 1682. In the Catalogue of the MSS. N°. 72 is *De matrimoniis cum relictâ fratris defuncti, casus judiciales.* The present editor has been unable to discover whether it still exists. For some account of this great collection of books and manuscripts see Wood's Athenæ, sub an. 1675, and the preface to his Obituary published by the Camden society.]

Number XXXVI. [p. 97.] 95

An abstract of the grounds of the divorce[41].

Written in the beginning, Thomas Cantuariensis, with his own hand[42].

Articuli duodecim ex quibus plane admodum demonstratur divortium inter Henricum octavum Angliæ regem invictissimum et serenissimam Katherinam necessario esse faciendum.

Articulus primus.

Cotton lib. Vesp. B. v. [fol. 1 d.] AFFINITAS quæ divino et naturali jure impedit ne matrimonium contrahatur, et contractum dirimit, solo nuptiali fœdere inducitur.

Articulus secundus.

Substantia matrimonii, verum perfectumque conjugium, solâ conjugali pactione, et non carnali copulâ efficitur.

Articulus tertius.

[fol. 2.] Vir et uxor solo fœdere conjugali, Deo in primis operante, una mens et una caro fiunt.

Articulus quartus.

Carnalis copula affinitatem solo jure ecclesiastico repertam inducit.

Articulus quintus.

Affinitas solo carnis concubitu orta, sanctione humanâ solum impedit, ne matrimonium contrahatur, et contractum dissolvit.

[41] [This is a 4to volume of 91 leaves with Cranmer's signature on the first leaf, on the back of which begins *Elenchus contentorum in hoc volumine.* Then follow the heads as arranged on this page; after which the articles again with their proofs. It is remarkable that the writer has concluded the demonstration of the ninth article in words exactly contradicting what he intended; *Quibus omnibus, dubitare non possumus illustrissimam Katherinam ab eodem illustrissimo principe Arthuro non fuisse corruptam et inter eos matrimonium non fuisse consummatum.* fol. 88 d.]

[42] It is not Cranmer's own hand but writ by another, but after every article follows the proof of it. This seems to be Cranmer's original book presented to the king. [S.]

Articulus sextus.

Carnalis copula matrimonium necessario reddit consummatum.

Articulus septimus.

Potest matrimonium carnali copulâ consummari, etiam uxoris virginitate irrecuperabili non amissâ.

Articulus octavus.

Serenissimam Katherinam ab illustrissimo principe Arthuro relictam virginem fuisse, non affirmamus.

Articulus nonus.

Serenissimam Katherinam ex indiciis quam plurimis attestantibus, et violentam præsumptionem inducentibus, ab eodem illustrissimo principe Arthuro corruptam, atque matrimonium inter eos consummatum fuisse non dubitamus.

Articulus decimus.

Serenissima Katherina, præsumptione violentâ hujusmodi [fol. 3.] constante, virginitatem suam, juramento præsertim publico, probare nequit.

Articulus undecimus.

Judex eandem serenissimam Katherinam, super eâ causâ jurare volentem, ad juramentum jure quidem admittere non potest.

Articulus duodecimus.

Henrici octavi Angliæ regis invictissimi et serenissimæ Katherinæ prætensum matrimonium, lege divinâ et naturali prohibente, nullum omnino fuisse, neque esse posse censemus.

Number XXXVII. [p. 110.]

A bull sent to the archbishop of Canterbury, against the statutes of provisors.

Ex MSS. D. Petyt,[43]

MARTINUS episcopus, servus servorum Dei, venerabili

[43] [As there is no catalogue of the contents of the volumes in the Petyt Manuscripts the following description may be useful. The volume from which these documents are taken is lettered on the back 'Touching prohibitions. Of the court of Star chamber, Papal bulls and letters. Of Sheriffs. Notes collected out of the civil law, &c. &c.' Petyt MSS. No. 538, vol. 55. Number 37 of Burnet's Collection of Records, commences on folio 85. Folio 87 contains the suspension of the archbishop without date, as printed by Wilkins, Conc. iii. 484, from a different manuscript. Folio 88 has the archbishop's appeal to the next general council, which is not the same with that printed in Wilkins, Conc. iii. 485, though for the most part agreeing with it. That printed in Wilkins is, as it professes to be, a first appeal. This appears to be a third appeal, and is dated April 6, 1427. It is for the most part in the same words with the first appeal, but much longer, and the names of the witnesses are different. On 89 d is a letter from the pope to the king, dated Dec. 1, in the tenth year of his pontificate. This is printed from a different MS. by Wilkins, Conc. iii. p. 480, but, as appears to the editor, very carelessly, unless indeed the MS. from which he copied is very incorrect. The Petyt readings are certainly the best in this document. The next paper begins 91 d and is from Martin to the parliament, as printed Number 39 of Burnet's Collection, and in Wilkins, Conc. iii. p. 479. Folio 92 d contains a letter from Martin to the archbishop which is printed in Wilkins, Conc. iii. p. 473, who has however substituted *tertio* for *decimo*, assigning the third year of Martin's pontificate instead of the tenth, which the Petyt MS. has, and which is the true date of the letter. Folio 94 contains a letter from Martin to the archbishops of York and Canterbury, naming York before Canterbury, as has been noticed by Burnet in the History, p. 110. It is dated *quinto Idus Decembris pontificatûs nostri anno decimo*. On the back is the letter from the university of Oxford to the pope excusing the archbishop, as printed in Wilkins, Conc. iii. p. 746. Following which are the two letters printed on the same and the next page of Wilkins, from several bishops to the pope. Then comes fol. 97, the *Exhortatio archiepiscopi Cantuariensis communitati regni facta pro abolitione dicti statuti*, as far as the words *et multis aliis*. This appears in Wilkins, Conc. iii. p. 483. Fol. 98 contains two more letters, one from the archbishop to the pope, and the other from the pope to the archbishop, dated 2 *non. Aug. pontificatûs decimo*, and also the letter from the pope to Henry, printed in Wilkins, Conc. iii. p. 479, which agrees with Number 38 of Burnet's Collection with unimportant variations. It is remarkable that the copy in Wilkins is without date. Fol. 99 contains a letter from Martin to the archbishop with the same date, otherwise entirely agreeing with that printed in Wilkins, Conc. iii. p. 480. except that Wilkins correctly prints *de Obizis* in place of *de Opizis*, an error of the transcriber of the Petyt MS. These are all the documents in this volume connected with this subject.]

fratri Archiepiscopo Cantuariensi salutem et apostolicam benedictionem. [No. 538. vol. lv. fol. 85.]

Si quam in districto Dei judicio de commissis tibi ovibus rationem redditurus es, aliquando cogitares, si meminisses et tu quæ pastoralis officii cura esse debet, quantumque ecclesiæ Romanæ, a quâ dignitatem et auctoritatem vendicas, 96 jus atque honorem tueri obligatus es, in considerationem duceres; profecto non usque adeo dormitares neque negligeres: surrexisses jamdudum, et post oves jam[44] longe aberrantes inclamares, ac pro viribus resisteres iis, qui jura ac privilegia a summo ecclesiarum capite omnium Christo, ecclesiæ Romanæ tradita, sacrilego[45] ausu violant atque contemnunt. Numquid ideo pontificalis dignitas tibi commissa est ut hominibus præsis, opes cumules, et quæ tua sunt non quæ Jesu Christi quærere debeas? Si id existimas vehementer erras, et a Christi intentione longe abes, qui cum Beato Petro oves suas committeret, nil ei aliud nisi ut illas pasceret indixit, priusque non semel, sed bis ac tertio, an ab eo diligeretur expostulans. Estne hæc in Christum dilectio quam habes? Estne hæc[46] amare ac pascere oves? Itane debitum quo ecclesiæ Romanæ astringeris, recte exolvis? En ante oculos tuos ab ovili errantes in præcipitium labuntur oves, nec illas revocas neque reducis. In conspectu tuo herbas pergunt pestiferas pascere, nec illas prohibes, imo (quod abhominabile est) tuis quasi manibus hujusmodi præbes mortiferum cibum. Te vidente, lupus illas dispergit, et taces tanquam canis mutus non valens latrare. Aspicis simul et Christi et ecclesiæ ac sedis apostolicæ mandata, auctoritatem, reverentiamque contemptui haberi, nec semel unum murmuras verbum, clanculum saltem, si nolles palam. An ignoras ante æterni tribunal judicis hujusmodi reatûs et culpæ usque ad minimum quadrantem redditurum te rationem? Num credis, si qua tuo neglectu perierit ovium (pereunt autem multæ) de tuis manibus sanguis earum exigetur? Quid per os Ezechielis Dominus comminatur, memorare et extimesce. *Ipse,* inquit, *speculatorem domini posuit te Deus, si videris gladium venientem, et non insonueris buccinâ, et aliquis perierit, sanguinem ejus de manibus tuis requiram; hæc dicit Dominus.* Qualis autem et qualis iniquitatis et abhominationis gladius in Angliæ regnum, atque

[44] [*tam,* Wilkins.] [45] [*sacrilego vel ausu,* Wilkins.]
[46] [*estne hoc amare,* Wilkins.]

oves tuas descenderit, tuo judicio (si ratione uteris) relinquimus. Perlege illud statutum regium, si tamen statutum, si tamen regium dici phas est. Nam quomodo statutum, quod statuta Dei et ecclesiæ destruit? Quomodo regium, quod instituta perimit? contra illud quod scriptum est, *honor regis judicium diligit.* Et judica, venerabilis frater et Christiane episcope, ac catholice præsul, si justum, si æquum, si a populo Christiano servari est.

In primis per illud execrabile statutum ita rex Angliæ de ecclesiâ cum provisionibus et administrationibus disponit, quasi vicarium suum Christus eum instituisset. Legem condit super ecclesias, beneficia, clericos et ecclesiasticum statum; ad se suamque laicalem curiam nonnullas causas spirituales et ecclesiasticas jubet introduci; et ut uno verbo concludamus, ita de clericis statuit, de ecclesiis et ecclesiastico statu, quasi ecclesiæ claves in manibus haberet, et non Petro, sed sibi hujusmodi cura commissa foret. Præter hanc nephandam dispositionem, vipereas quasdam contra clericos adjecit pœnas, quæ ne quidem contra Judæos vel Saracenos, per ullum de statutis suis, promulgatæ inveniuntur. Possunt ad Angliæ regnum cujuslibet generis homines libere proficisci; soli acceptantes beneficia auctoritate summi pontificis, vicarii Jesu Christi, jubentur exulare[47], capi, incarcerari, omnibusque bonis exui, executoresque 97
litterarum apostolicarum, procuratores, notarii, ac quicunque alii censuram seu processum ab apostolicâ sede in regnum mittentes aut deferentes [48], ultimo supplicio deputantur, projectique extra protectionem regis exponuntur ab omnibus captivandi. Vide si audita est unquam similis statuti iniquitas: consideret prudentia tua, si regem aut regnum hujusmodi statuta decent: cogita si te talia inspicientem silere oporteat, et non magis clamare, contradicere, et pro viribus resistere. Estne ista
[fol. 86.] filialis reverentia? Estne ista Christiana devotio quam regnum Angliæ suæ matri ecclesiæ ac sedi apostolicæ exhibet? Potestne catholicum regnum dici, ubi hujusmodi statuuntur prophanæ leges et observantur, ubi prohibetur adiri vicarius Christi, ubi oves suas successor apostoli Petri pascere juxta mandatum Domini non permittitur? Christus dixit Petro suisque successoribus, *Pasce oves meas;* statutum autem regni pascere ipsas non sinit, sed vult ut rex ipse pascat, devolvendo ad eum in

[47] [*exulari*, Wilkins.] [48] [*differentes*, Wilkins.]

certis casibus apostolicam auctoritatem. Christus ædificavit supra Petrum ecclesiam; sed regni statutum id prohibet: nam non patitur Petri cathedram de ecclesiâ prout judicaverit expedire, ordinare vel disponere. Christus voluit quod quicquid summus pontifex in terris solverit aut ligaverit, solutum ligatumve esset in cœlis; statutum huic divinæ voluntati non assentit: nam si quos sacerdotes ad ligandum solvendumque animas Christi vicarius in regnum contra statuti tenorem destinaret, non modo ipsos non admittit statutum sed exulare jubet, bonis privari, aliisque pœnis affligi, et censuram seu processum apostolicum in regnum deferens, tanquam sacrilegus capite punitur. Quid ad hoc tua discretio respondebit? Estne hoc catholicum statutum? Potestne sine Christi injuriâ, sine evangelii transgressione, sine animæ interitu tollerari aut observari? Cur igitur non clamas, et quasi tubâ exaltas vocem tuam, annuncians populo tuo peccata sua, domui Israel scelera eorum, ne sanguis eorum de manibus tuis requiratur. Quod et si omnes quibus populorum cura commissa est, facere teneantur, quanto magis id tibi erit necessarium exequi, cui populos et populorum ministros, oves et ovium pastores, tuæ solicitudini Romana deputavit ecclesia, a quâ et primatum et sedis apostolicæ legationem super Anglicanas ecclesias suscepisti, et ipsius gloriosissimi martiris Beati Thomæ olim Cantuariensis archiepiscopi successor effectus es, qui adversus similia decertans statuta, holocaustum se Deo offerens pro libertate ecclesiasticâ occubuit. Tu certe ob hæc, omnium primus qui vexillo assumpto in aciem prodire deberes, et fratres coepiscopos tuos tuo exemplo in certamine sistere, primus omnium terga vertis, et aliquos qui forte resistendi impetum caperent, tuâ sive pusillanimitate, sive dissimulacione, sive (ut omnes attestantur) evidenti prævaricacione a bono proposito dejicis. Itaque si de te queritur ecclesia, si in te omnis culpa transfertur, non mirari sed dolere, immo potius teipsum corrigere debes, et debitum quo ovium jure astrictus es audacter exolvere: pro quâ re efficiendâ, si velis quam potes operam adhibere, non magnum certamen subeundum est. Persuade tuo pro officio, et auctoritate tuâ, sæcularibus, et eos veritatem instrue. Ostende eis peccatum quo observantes prædictum statutum illaqueantur: et erunt (ut omnes asserunt) prava in directa, et aspera in vias

planas. Ne ergo, si tacuerimus et nos, tuam aliorumque desidiam dissimulantes similis apud omnipotentem Deum culpæ reos efficiat, neve ovium nostrarum sanguis (si neglexerimus) de manibus nostris exigatur, tuam fraternitatem quâ possumus instanciâ, toto corde, totoque effectu[50] hortamur, monemus, requirimus, et in virtute sanctæ obedienciæ, et sub excommunicationis pœnâ cui (si neglexeris) ipso facto te subjicimus, districte præcipiendo mandamus, quatenus quamprimum ad locum ubi con- 98
siliarii charissimi in Christo filii nostri Henrici Angliæ regis illustris conveniunt, personaliter accedas, eosque tam ecclesiasticos quam sæculares pro sapienciâ tuâ, quam tibi Dominus inspiraverit, racionibus ac monicionibus reddas instructos; ut prædictum statutum in proximo parliamento tollant penitus et aboleant: cum enim divinæ et humanæ rationi, Veteris ac Novi Testamenti, consiliorum[51], sanctorum patrum, summorum pontificum decretis, ipsius denique universalis ecclesiæ observantiæ
[fol. 87] evidentissime contradicat, nec[52] sine interitu salutis æternæ quovis modo servari possit. Illudque inter alia dicere non omittas, qualiter ecclesiasticæ libertatis violatores, facientesque statuta aut consuetudines contra libertatem servari, officiales, rectores et consiliarii, locorum ubi hujusmodi statuta vel consuetudines editæ fuerint vel servatæ, ac etiam qui secundum prædicta judicaverint, ipso jure excommunicationem incurrunt, quæ quantum sit Christi fidelibus metuenda ipsis plene poteris declarare.

Idem[53] sub pœnâ eâdem te facere volumus cum parliamentum inchoabitur, tam erga prædictos consiliarios quam communitates, et alios qui vocem in ipso habuerint parliamento. Insuper ut pluribus viis honori Dei ac sanctæ matris ecclesiæ, et animarum saluti provideatur, sub simili pœnâ mandes ac præcipias omnibus tam rectoribus ecclesiarum, quam aliis officium prædicationis obtinentibus, sæcularibus et religiosis, ut frequenter in sermonibus suis populos de prædictâ materiâ instruere non omittant. Volumus autem ut quicquid super prædictis feceris per tuas literas (quibus saltem duæ graves personæ, quæ ipsis requisitionibus per te faciendis interfuerint, se subscribant) nos certiores efficias.

[50] [*affectu*, Wilkins.]
[51] [*conciliorum*, Wilkins.]
[52] [*ne*, Wilkins.]
[53] [*Item*, Wilkins.]

Dat. Romæ apud sanctos apostolos quinto die[54] Decembris, pontificatûs nostri anno decimo[55].

[54] [*quinto Idus Decembris*, Wilkins.]

[55] [The author's whole account of these transactions has been severely animadverted upon by Wharton in his Specimen of Errors, pp. 23–26. A little consideration would no doubt have enabled him to detect the errors in the dates of the manuscript from which he copied. But the author is most unusually correct in his transcript, having made not more than five or six mistakes of any importance in all the four documents, one consisting of the omission of a whole line. Most of the documents are printed, though with several mistakes, in Wilkins' Concilia, iii. pp. 471–486, from the register of Booth bishop of Hereford, fol. 61. The editor hoped to be able to check them by reference to Chichely's register, where, however, he was unable to find them. It has been thought best to print them exactly as they are in the Petyt MSS. from which Burnet copied them, though, besides the mistakes of date, there are other variations, one of which, *Jothen*, in No. 40, appears to have arisen from an attempt faithfully to transcribe what the writer did not understand. It no doubt was *Jo. Bathon.* and appears in Wilkins as *Johannes Bathon. et Wellen.*

Wharton's notes are as follows:

'The history of the proceedings between pope Martin and archbishop Chichele in the matter of provisors would have been very acceptable had not the historian marred all for want of a little chronology. He hath here disposed matters in a fair historical series, but most unhappily those two letters which he maketh to have been wrote at so great a distance of time from each other (I mean the first and last of those here mentioned) were wrote within very few days of each other. This with a little care might easily have been perceived. For the 8th day of December, in the tenth year of the popedom of Martin, falls into the year 1426. By this mistake the whole contexture of the narration is overthrown. But farther, both these letters were wrote upon the same day. And the historian in transcribing the pope's first letter to the archbishop, which he hath published in the *Collection of Records, page* 98, hath given a false date of it. For whereas it is truly dated, *quinto Id. Decembris*, he hath changed this into *quinto die Decembris*. The other letter also which he saith to have been wrote the 8th of December, is, in the MS. copy, dated as the former, *quinto Id. Decembr. anno pontificatûs nostri decimo*, viz. 1427. December 9.

. . . . 'I did many years since transcribe out of an authentic register all the instruments of this contest between the pope and the archbishop here mentioned by the historian, and as many more relating to the same matter, which seem to have been wanting in his manuscript, so that I am thereby enabled to correct the mistakes of the historian herein. From the words of the historian any reader would imagine that the letter of the university was dated on the 10th and that of the bishops on the 25th of July. But on the contrary the bishops' letter is dated July 10th and the university's July 25th. Then whereas the historian nameth only the archbishop of York and three bishops; in truth that letter was written in the name of fifteen bishops, that is, of all the bishops of England except those

who were then absent. For Salisbury and Chichester were at that time void.'

Speaking of the date 13th of October, he says:

'The historian imputeth this mistake to the viciousness of the copy, but I fear it ought to be imputed to the negligence of the transcriber. For in my copy 'tis truly dated *tertio id. Octobris.* Instead of which the historian, renewing his former error, hath in his transcript of the instrument substituted *tertio die Octobris.* To proceed, and join all the mistakes of this matter together, the transcript of the archbishop's speech in the house of commons which he giveth to us is also false. For it reads *die Veneris* 30 *Januarii anno Domini millesimo quadringentesimo decimo septimo, Indictione sextâ, pontificatûs Martini papæ anno undecimo.* All these concurrent notes added to the year of our Lord shew that it should be *anno millesimo quadringentesimo vicesimo septimo,* and so I doubt not the manuscript hath it. Lastly, to say no more of this matter, the conclusion of the archbishop's appeal, as it is by him published, manifests with how little care these public instruments have been transcribed; for thus it ends: *præsentibus discretis viris M. W. Lyn. Curiæ Cant. officii et Thoma B. archidiacono sanctarum in ecclesia Lyne, utriusque Juris doctoribus.* Now to mistake and report falsely the date of public instruments is not a matter of light moment, for these will necessarily betray both writers and readers into infinite other mistakes while they endeavour to adapt things, and the circumstances of them, to the supposed but mistaken time of other actions. Besides all this, it diminisheth the credit of any history, so that in all other matters the reader cannot safely rely upon it, when he knows the negligence of the historian in any part of it. And as for the *Collection of Records,* which make up one half of each volume of this History, they will be of little value if once there appears just reason to suspect the care or probity of the transcriber. I have not had opportunity or a curiosity to examine one half of the dates of times either in the *History* itself or in the *Collection of Records,* but do assure the reader that of those which I have examined I found near as many to be false as true.'

Number XXXVIII. [p. 111.]

A letter to king Henry the Sixth for repealing that statute.

MARTINUS episcopus, servus servorum Dei, charissimo in Christo filio Henrico regi Angliæ illustri, salutem et apostolicam benedictionem. [Ibid. fol. 98.]

Quum post multos nuncios ad tuam serenitatem pro abolitione illius detestabilis statuti contra libertatem ecclesiasticam editi olim transmissos, postremo dilectum filium magistrum Julianum causarum curiæ Cameræ apostolicæ auditorem, pro eâdem causâ destinâssemus; per ipsum tua celsitudo tunc nobis respondit, quod quamprimum commode possit, parliamentum, sine quo idem nequit aboleri statutum, convocaret, et in eo quod sibi possibile foret pro nostræ requisitionis implemento[56] faceret, protestans quod sanctæ Romanæ ecclesiæ sedisque apostolicæ juribus ac privilegiis nullo modo detrahere aut derogare intendebat: nos ob hoc, sicut deinde aliis literis tibi significavimus, usque ad id tempus cum patientiâ expectare decrevimus, sperantes quod in verbo regio nobis pollicitus fueris, id tempore suo exequi non differres; itaque quicquid ex parte nostrâ hactenus faciendum fuit, omnem mansuetudinis et patientiæ modum experientes jam fecimus. Et licet gravibus interim per aliquos de regno tuo lacessiti sumus[57] injuriis, volumus tamen (ne quid contra promissum fieri videretur) usque
99 ad id tempus (non sine rubore sedis apostolicæ) expectare, ut merito illud verbum evangelicum jam dici possit, *Quid debui huic vineæ facere et non feci?* Tu vero, fili charissime, cum ipsius parliamenti jam tempus instet, quod ex tuâ parte agendum restat, juxta promissionem tuam ac verbum regium implere non omittas, ad quod et jure divino et humano tanquam Christianissimus princeps obligatus, sine cujusvis[58] requisitione pro tuâ et tuorum subditorum salute et honore facere teneris: præsertim quum talia obtuleramus, ob quæ nec tibi nec dicto regno ex prædicti statuti abolitione præjudicium ullum redundare possit; providere enim iis omnibus quæ causam statuto dedisse dicuntur, jam sæpe nostro nomine oblatum est, et nunc

[56] [*complemento*, Wilkins.] [57] [*simus*, Wilkins.]
[58] [*cujusquam*, Wilkins.]

de novo offerimus. Jam igitur cum nulla quævis contradicendi occasio prætendi possit, speramus in dicto parliamento tuam serenitatem ita facturam, ut prædictum tam execrabile statutum penitus de eodem regno tollatur. Quod si feceris, salvabis primum tuam, tum vero multorum animas, quæ ob dictum statutum gravi crimine illaqueatæ tenentur: providebis deinde tuo et ipsius regni honori, quod utique propterea non modicum est notatum: demum nos ac sedem ipsam semper tuis justis desideriis obligabis. Super iis autem omnibus et de nostrâ intentione plene per literas nostras instructo, dilecto filio magistro Joanni de Obizis in dicto regno nuncio et collectori nostro, dabis credentiæ fidem plenam.

Dat. Romæ[59] die decimo tertio Octobris, pontificatûs nostri anno decimo.

[59] [*Romæ apud sanctos Apostolos tertio Idus Octobris,* Wilkins.]

Number XXXIX. [p. 111.]

A letter to the parliament upon the same occasion.

MARTINUS episcopus, servus servorum Dei, venerabilibus fratribus et dilectis filiis, nobilibus viris parliamenti regni Angliæ, salutem et apostolicam benedictionem. [Ibid. fol. 91 d.]

Multis nunciis ac frequentibus exhortacionibus, pro debito pastoralis officii, vos ac regnum vestrum hactenus admonuimus, ut pro salute animarum vestrarum, et ipsius regni honore, quoddam detestabile statutum contra divinum et humanum jus editum, quod sine interitu salutis æternæ nullatenus servari potest, aboleretur. Et quoniam id sine parliamento tolli non posse, ex parte charissimi in Christo filii nostri Henrici regis Angliæ illustris, dilecto filio magistro Juliano causarum curiæ cameræ apostolicæ auditori, tunc nuncio nostro, responsum extitit, in quo (quam primum posset) convocato, quod sibi possibile foret pro nostræ requisitionis exequutione se facturum, idem rex pollicitus est, protestans juribus ac privilegiis sanctæ Romanæ ecclesiæ et sedis apostolicæ in nullo velle detrahere aut derogare,

Nos volentes solitâ erga vos mansuetudine uti, decrevimus usque ad ipsius parliamenti tempus expectare, sperantes quod tam rex juxta suam regiam promissionem, quam vos pro salute animarum vestrarum, sancte ac catholice secundum nostram requisitionem concludetis. Itaque cum parliamentum (ut fertur) jam instet, vos omnes, quorum animas nostræ curæ dominus noster Jesus Christus commisit, hortamur, monemus, et[91] obsecramus, ut unanimes vestrarum animarum salutem, ac conscientiarum puritatem præ cæteris rebus amantes, prædictum abhominabile statutum (quod qui observat vel observari faciat salvari non potest) penitus tollatur, et de regno imperpetuum aboleatis. Quod si quis forsitan vobis contrarium persuadere audeat, quicunque ille sit, sæcularis vel ecclesiastici statûs, tanquam hostem animarum vestrarum et honorum, nullatenus audite; nec eum virum catholicum reputetis, qui adversus Romanæ ecclesiæ auctoritatem, juraque et privilegia sedi apostolicæ divinitus concessa, aliquid machinari præsumpserit, quibus ipse rex vester illustris nolle ullatenus derogare publice protestatus

[91] [*et* om. Wilkins.]

est. Nos quidem ipsi sumus ab omnipotenti Deo Jesu Christo super vos et universalem ecclesiam constituti, cujus doctrinæ ac persuasioni sine ullâ contradictione omnimodam fidem vos et quilibet Christianus habere debetis: nos tamen, etsi indignos, oves suas pascere Christus voluit, clavesque aperiendi ac solvendi cœlos tradidit. Et si quis nos audit, servi Christi testimonium, Christum[62] audit; et si quis nos spernit, Christum spernere convincitur. Et quoniam de vobis ac singulis Christianis in districto Dei judicio racionem reddituri sumus, ideo vos pro salute vestrâ tam sæpe tamque efficaciter admonemus; et ne quisquam sub alicujus damni temporalis prætextu vos ab hâc nostrâ Catholicâ doctrinâ submoveat, ecce nos promptos paratosque offerimus, omnibus causis, propter quas dictum statutum conditum esse prætenditur, salubriter providere, ita ut nec regno nec cuiquam privatæ personæ præjudicium aliquod ex ipsius statuti abolitione possit accidere. Super hiis omnibus et nostrâ intencione plene instructo dilecto filio magistro Johanni de Opizis[63], in dicto regno nuncio et collectori nostro, dabitis credentiæ plenam fidem.

Dat. Romæ apud sanctos apostolos tertio die[64] Octobris, pontificatûs nostri anno decimo.

[62] [*Christianum*, Wilkins.] [63] [*Obizis*, Wilkins.]
[64] [*tertio Idus*, Wilkins.]

Number XL. [p. 111.]

An instrument of the speech the archbishop of Canterbury made to the house of commons about it.

DIE Veneris, penultimo mensis Januarii, anno Domini secundum cursum et computationem ecclesiæ Anglicanæ millesimo quadringentesimo decimo[65] septimo, indictione sextâ, pontificatûs sanctissimi in Christo Patris et domini nostri, domini Martini divinâ providentiâ papæ quinti anno undecimo, reverendissimi in Christo patres et domini, domini, Henricus Dei gratiâ Cantuariensis et Johannes Eboracensis archiepiscopi, necnon reverendi patres W. Londinensis, Benedictus Menevensis, Philippus Eliensis, Jothen.[66] et W. Norwicensis, episcopi, et cum eis venerabiles patres et viri religiosi Westmonasterii et Radingiæ abbates de palatio regio Westmonasteriensi de Camerâ, viz. ubi tam domini spirituales quam temporales in parliamento ad tunc tento, negotia regni tractaverint et tractare solebant, recedentes, et dimissis ibi dominis temporalibus, in simul transierunt ad viros illos qui pro communitate regni ad parliamentum hujusmodi venerant in loco solito, viz. in refectorio abbatiæ Westmonasteriensis prædictæ personaliter existentes, et incontinenter eisdem dominis spiritualibus cum reverentiâ debitâ, prout decuit a viris hujusmodi communitatem regni facientibus et repræsentantibus, receptis: præfatus reverendissimus pater archiepiscopus Cantuariensis causam adventûs sui et confratrum suorum ad tunc exponere cœpit in vulgari; protestando primitus, et protestabatur idem dominus Cantuariensis vice suâ et
101 confratrum suorum prædictorum, quod pro dicendo tunc ibidem non intendebat ipse reverendissimus pater, aut aliquis confratrum suorum, domino regi Angliæ aut coronæ suæ vel communitati regni in aliquo derogare, et sic adhærendo protestationi suæ hujusmodi, idem reverendissimus pater prosequebatur et exposuit solemniter causam adventûs sui et confratrum suorum, sumpto quasi pro themate, *Reddite quæ sunt Cæsaris, Cæsari, et quæ sunt Dei, Deo.*

[Ibid. fol. 97.]

Super quo procedendo, ea quæ ad jurisdictionem eccles-

65 [*vicesimo*, Wilkins.] 66 [*Johannes Bathon. et Wellen.* Wilkins.]

asticam, et ea quæ ad Cæsaream pertinebant, notabiliter et ad longum declaravit, materiam provisionis et pro statuti illius contra provisores editi abolitione, cum bonâ et maturâ deliberatione prosequendo, et in processu declarationis hujusmodi jura nonnulla et sacræ scripturæ auctoritates convenientes allegavit, pro jure domini nostri papæ in provisionibus habendis, sicut sancti prædecessores sui summi pontifices in regno Angliæ et alibi per universalem Christianitatem habuerunt, ipseque dominus papa modernus in cæteris regnis habet et possidet in præsenti: unde præmissis, bullisque et literis apostolicis, quas pro hâc re idem dominus papa jam tarde ad regnum transmiserat, diligenter consideratis, et quod dictus dominus noster papa tot ambassiatas et nuntios solemnes ad prosequendum jus suum et ecclesiæ libertatem in præmissis, non absque laboribus magnis, periculis et expensis, de curiâ Romanâ ad regnum Angliæ destinavit, idem reverendissimus pater Cantuariensis archiepiscopus, nomine suo et confratrum suorum ad tunc ibidem præsentium, et absentium in dicto parliamento per procuratores comparentium, ad quos ut asseruit divisim saltem principalis cura animarum totius communitatis regni pertinere dignoscitur, dictos viros omnes et singulos tunc præsentes, communitatem (ut præmittitur) repræsentantes, requisivit et in Domino exhortabatur, quatenus ob salutem animarum suarum totiusque regni prosperitatem et pacem, materiam prædictam sic ponderarent, et taliter in eodem parliamento super eâdem deliberarent, ut sanctissimus dominus noster papa placari, ac regis zelum ad sedem apostolicam totiusque regni devotionem in hâc parte habere possit[67] materiam commendandi. Et addidit ultra hujusmodi requisitionem et exhortationem præfatus reverendissimus pater archiepiscopus Cantuariensis: et ex corde, ut apparuit, exposuit lacrimando, pericula per censurarum, viz. ecclesiasticarum et etiam interdicti fulminationem, et alias tam regi quam toti[68] regno (quod absit) verisimiliter eventura[69] in casu quo responsio parliamenti illius, in materiâ tunc declarandâ, grata non foret domino papæ et accepta, sic dicendo;

Forte videtur quibusdam vestrûm, quod hæc quæ regni prælatos potissime concernunt ex corde non profero. Sciatis

[67] [*posset*, Wilkins.] [68] [*toti*, om. Wilkins.]
[69] [*eventura alia*, Wilkins.]

pro certo, et in fide, quâ Deo teneor et ecclesiæ, affirmo coram vobis, quod magis mihi foret acceptum nunquam conferre aut etiam habere aliquod beneficium ecclesiasticum, quam aliqua talia pericula seu processus meo tempore in ecclesiæ Anglicanæ scandalum venirent.

Ulterius idem reverendissimus pater expresse declaravit, qualiter dictus dominus noster papa in diversis bullis suis obtulit et promisit, se et sedem apostolicam, ad quascunque causas et occasiones editionis statuti prædicti rationabile remedium apponere, et materias causarum et occasionum hujusmodi statuti in toto tollere et abolere;

Et sic requisitione, exhortatione et periculorum hujusmodi expositione finitis, reverendissimi patres Cantuariensis et Eboracensis archiepiscopi, cum confratribus suis episcopis et præ-
102 latis prædictis, recesserunt, regni communitate, seu saltem dictis viris communitatem regni repræsentantibus remanentibus, et circa materiam eis expositam tractantibus, præsentibus, et declarationem, requisitionem, et exhortationem, hujusmodique[70] periculorum expositionem per dictum dominum archiepiscopum Cantuariensem (ut præmittitur) factam[71] audientibus, venerabilibus viris Richardo Coudray archidiacono Norwici in ecclesiâ Norwicensi, magistro Johanne Forster canonico Lincolniensi[72], &c. et Johanne Boold notario publico et multis aliis.

[70] [*hujusmodi*, Wilkins.]

[71] [*factas*, Wilkins.]

[72] [After *Lincolniensi* Wilkins has *Johanne Pye canonico Bangorensi, Thomâ Bladsmith capellano præfati domini archiepiscopi Eboracensis cruciferario, et Johanne Bold notario publico et multis aliis.* Unimportant variations in these documents (such as differences in the spelling of words) from the copies as printed by Wilkins, have not been noticed.]

Number XLI. [p. 117.]

Act 33. anno regni vicesimo tertio.

An act concerning restraint of payment of Annates to the see of Rome.

[Cap. 20. Statutes, vol. iii. p. 385.]

FORASMUCH as it is well perceived, by long approved experience, that great and inestimable sums of money have been daily conveyed out of this realm, to the impoverishment of the same; and specially such sums of money as the pope's holiness, his predecessors, and the court of Rome, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be archbishops or bishops within this realm of England, under the title of annates, otherwise called first fruits. Which annates, or first fruits, have been taken of every archbishopric, or bishopric, within this realm, by restraint of the pope's bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, installations, investitures, orders, holy benedictions, palls, or other things requisite and necessary to the attaining of those their promotions, and have been compelled to pay, before they could attain the same, great

[Ibid. p. 386.]

sums of money, before they might receive any part of the fruits of the said archbishopric, or bishopric, whereunto they were named, elected, presented, or postulated; by occasion whereof not only the treasure of this realm hath been greatly conveyed out of the same, but also it hath happened many times, by occasion of death, unto such archbishops, and bishops, so newly promoted, within two or three years after his or their consecration, that his or their friends, by whom he or they have been holpen to advance and make payment of the said annates, or first fruits, have been thereby utterly undone and impoverished. And for because the said annates have risen, grown, and increased, by an uncharitable custom, grounded upon no just or good title, and the payments thereof obtained by restraint of bulls, until the same annates, or first fruits, have been paid, or surety made for the same; which declareth

the said payments to be exacted, and taken by constraint, against all equity and justice. THE NOBLE men therefore of this realm, and the wise, sage, politic commons of the same, assembled in this present parliament, considering that the court of Rome, ceaseth not to tax, take, and exact the said great sums of money, under the title of annates, or first fruits, as is aforesaid, to the great damage of the said prelates, and
103 this realm; which annates, or first fruits, were first suffered to be taken within the same realm, for the only defence of Christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience; Insomuch that it is evidently known, that there hath passed out of this realm unto the court of Rome, sithen the second year of the reign of the most noble prince, of famous memory, king Henry the Seventh, unto this present time, under the name of annates, or first fruits, paid for the expedition of bulls of archbishoprics and bishoprics, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eightscore thousand pounds, besides other great and intolerable sums, which have yearly been conveyed to the said court of Rome, by many other ways and means, to the great impoverishment of this realm. AND albeit, that our said sovereign lord the king, and all his natural subjects, as well spiritual as temporal, been as obedient, devout, catholic and humble children of God, and holy church, as any people be within any realm christened; YET the said exactions of annates, or first fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented, by all the estates of the same assembled in this present parliament, that the king's highness before Almighty God, is bound, as by the duty of a good Christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abusions and exactions of annates, or first fruits; And because that divers prelates of this realm been now in extreme age, and in other debilities of their bodies, so that of likelihood, bodily death in short time shall or may succeed unto them; by reason whereof great sums of money shall shortly after their death be conveyed unto the court of Rome, for the unreasonable and uncharitable

causes abovesaid, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided: IT is therefore ordained, established, and enacted, by authority of this present parliament, That the unlawful payment of annates or first fruits, and all manner contributions for the same, for any archbishopric, or bishopric, or for any bulls hereafter to be obtained from the court of Rome, to or for the foresaid purpose and intent, shall from henceforth utterly cease, and no such hereafter to be paid for any archbishopric or bishopric within this realm, other or otherwise than hereafter in this present act is declared; AND that no manner person, nor persons hereafter to be named, elected, presented, or postulated to any archbishopric, or bishopric, within this realm, shall pay the said annates, or first fruits, for the said archbishopric, or bishopric, nor any other manner of sum or sums of money, pensions or annuities for the same, or for any other like exaction, or cause, upon pain to forfeit to our said sovereign lord the king his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same archbishopric, or bishopric, during the time that he or they which shall offend, contrary to this present act, shall have, possede, or enjoy the archbishopric, or bishopric, wherefor he shall so offend contrary to the form aforesaid.

AND furthermore it is enacted, by authority of this present parliament, That every person hereafter named and presented 104
to the court of Rome by the king, or any of his heirs or successors to be bishop of any see or diocese within this realm hereafter, shall be letted, deferred, or delayed at the court of Rome from any such bishopric, whereunto he shall be so presented, by mean of restraint of bulls apostolic, and other things requisite to the same; or shall be denied, at the court of Rome, upon convenient suit made, any manner bulls requisite for any of the causes beforesaid, every such person so presented, may be, and shall be consecrated here in England by the archbishop, in whose province the said bishopric shall be, so alway that the same person shall be named and presented by the king for the time being to the same archbishopric: and if any person being named and presented, as is aforesaid, to any archbishopric of this realm, making con-

venient suit, as is aforesaid, shall happen to be letted, deferred, delayed, or otherwise disturbed from the same archbishopric, for lack of pall, bulls, or other things to him requisite, to be obtained in the court of Rome in that behalf; That then every such person so named and presented to be archbishop, may be, and shall be, consecrated and invested, after presentation made, as is aforesaid, by any other two bishops within this realm, whom the king's highness, or any of his heirs or successors, kings of England for the time being, will assign and appoint for the same, according and in like manner as divers other archbishops and bishops have been heretofore, in ancient time by sundry the king's most noble progenitors, made, consecrated, and invested within this realm: AND that every archbishop and bishop hereafter, being named and presented by the king's highness his heirs or successors, kings of England, and being consecrated and invested, as is aforesaid, shall be installed accordingly, and shall be accepted, taken, reputed, used, and obeyed, as an archbishop or bishop of the dignity, see, or place whereunto he so shall be named, presented, and consecrated, requireth; and as other like prelates of that province, see, or diocese, have been used, accepted, taken, and obeyed, which have had, and obtained completely, their bulls, and other things requisite in that behalf from the court of Rome; And also shall fully and entirely have and enjoy all the spiritualities and temporalities of the said archbishopric, or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had, and enjoyed in the said archbishopric, or bishopric, satisfying and yielding unto the king our sovereign lord, and to his heirs or successors, kings of England, all such duties, rights and interests, as before this time had been accustomed to be paid for any such archbishopric, or bishopric, according to the ancient laws and customs of this realm, and the king's prerogative royal. [Ibid. p. 387.]

AND to the intent our said holy father the pope, and the court of Rome, shall not think that the pains and labours taken, and hereafter to be taken, about the writing, sealing, obtaining, and other businesses sustained, and hereafter to be sustained by the officers of the said court of Rome, for and about the expedition of any bulls hereafter to be obtained or had for any such archbishopric, or bishopric, shall be irre-

munerated, or shall not be sufficiently and condignly recompensed in that behalf; and for their more ready expedition to be had therein, IT IS therefore enacted, by the authority aforesaid, That every spiritual person of this realm, hereafter 105
to be named, and presented, or postulated, to any archbishopric or bishopric of this realm, shall and may lawfully pay for the writing and obtaining of his or their said bulls, at the court of Rome, and ensealing the same with lead to be had without payment of any annate, first fruits, or other charge or exaction by him or them to be made, yielden, or payed for the same, five pounds sterling, for and after the rate of the clear and whole yearly value of every hundred pounds sterling, above all charges of any such archbishopric, or bishopric, or other money, to the value of the said five pound, for the clear yearly value of every hundred pounds of every such archbishopric, or bishopric, and not above, nor in any other wise, any thing in this present act before written notwithstanding.

AND forasmuch as the king's highness, and this his high court of parliament, nother have, nor do intend to use in this, or any other like cause, any manner of extremity or violence, before gentle courtesy and friendly ways and means first approved and attempted, and without a very great urgent cause and occasion given to the contrary; But principally coveting to disburden this realm of the said great exactions, and intolerable charges of annates, and first-fruits, have therefore thought convenient to commit the final order and determination of the premisses, in all things unto the king's highness; So that if it may seem to his high wisdom, and most prudent discretion, meet to move the pope's holiness and the court of Rome, amicably, charitably, and reasonably, to compound, other to extinct and make frustrate the payments of the said annates, or first-fruits; or else by some friendly, loving, and tolerable composition to moderate the same in such wise as may be by this his realm easily born and sustained; THAT then those ways and compositions once taken, concluded, and agreed, between the pope's holiness and the king's highness, shall stand in strength, force, and effect of a law, inviolably to be observed.

AND it is also further ordained and enacted by the authority of this present parliament, that the king's highness at any time, or times, on this side the feast of Easter, which shall be in the

year of our Lord God, a thousand five hundred and three and thirty, or at any time on this side the beginning of the next parliament, by his letters patents under his great seal, to be made, and to be entered of record in the roll of this present parliament, may and shall have full power and liberty to declare, by the said letters patents, whether that the premisses, or any part, clause, or matter thereof, shall be observed, obeyed, executed, performed, and take place and effect, as an act and statute of this present parliament, or not. So that if his highness, by his said letters patents, before the expiration of the times above limited thereby, do declare his pleasure to be, that the premisses, or any part, clause, or matter thereof, shall not be put in execution, observed, continued, nor obeyed, in that case all the said premisses, or such part, clause, or matter thereof, as the king's highness so shall refuse, disaffirm, or not ratifie, shall stand and be from thenceforth utterly void and of none effect. And in case that the king's highness, before the expiration of the times afore prefixed, do declare by his said letters patents, his pleasure and determination to be, that the said premisses, or every clause, sentence, and part thereof, that is to say, the whole, or such part thereof as the king's highness so shall affirm, accept, and
106 ratify, shall in all points stand, remain, abide, and be put in due and effectual execution, according to the purport, tenor, effect, and true meaning of the same; and to stand and be from thenceforth for ever after, as firm, stedfast, and available in the law, as though the same had been fully and perfectly stablished, enacted, and confirmed, to be in every part thereof, immediately, wholly, and entirely executed, in like manner, form and effect, as other acts and laws; the which been fully and determinately made, ordained, and enacted in this present parliament.

AND if that upon the foresaid reasonable, amicable, and charitable ways and means, by the king's highness to be experimented, moved, and compounded, or otherwise approved, it shall and may appear, or be seen unto his grace, that this realm shall be continually burdened and charged with this, and such other intolerable exactions, and demands, as heretofore it hath been; And that thereupon, for continuance of the same, our said holy father the pope, or any of his successors, or the court of Rome, will, or do, or cause to be done [Ibid. p. 388.]

at any time hereafter, so as is above rehearsed, unjustly, uncharitably, and unreasonably vex, inquiet, molest, trouble, or grieve our said sovereign lord, his heirs or successors, kings of England, or any of his or their spiritual or lay subjects, or this his realm, by excommunication, excommengement, interdiction, or by any other process, censures, compulsories, ways, or means; BE IT ENACTED by the authority aforesaid, That the king's highness, his heirs and successors, kings of England, and all his spiritual and lay subjects of the same, without any scruple of conscience, shall and may lawfully, to the honour of Almighty God, the increase and continuance of virtue, and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered throughout this said realm, and all other the dominions and territories belonging or appertaining thereunto; all and all manner sacraments, sacramentals, ceremonies or other divine services of holy church, or any other thing or things necessary for the health of the soul of mankind, as they heretofore at any time or times have been virtuously used or accustomed to do within the same; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall be by any of the prelates, or other spiritual fathers of this region, ne by any of their ministers or substitutes, be at any time or times hereafter published, executed, nor divulged nor suffered to be published, executed, or divulged in any manner of ways.

[Ibid. p. 387.] *Cui quidem billæ prædictæ et ad plenum intellectæ per dictum dominum regem ex assensu et auctoritate parliamenti prædicti taliter est responsum:*

Le roy le volt, *Soit baille aux communes.*

A cest bille les communes sont assentes.

MEMORANDUM quod nono die Julii, anno regni regis Hen- 107
rici octavi vicesimo quinto, Idem dominus rex per literas suas patentes sub magno sigillo suo sigillatas actum prædictum ratificavit et confirmavit, et actui illo assensum suum regium dedit, prout per easdem literas patentes, cujus tenor sequitur in hæc verba, magis apte constat.

Here follows the king's ratification, in which the act is again recited and ratified.

Number XLII. [p. 118.]

The king's last letter to the pope. A duplicate.

To the pope's holiness, 1532[73].

AFTER most humble commendations, and most devout kissing of your blessed feet. Albeit that we have hitherto differred to make answer to those letters dated at Bonony the seventh day of October; which letters of late were delivered unto us by Paule of Cassalie: yet when they appear to be written for this cause, that we deeply considering the contents of the same, should provide for the tranquillity of our own conscience, and should purge such scruples and doubts conceived of our cause of matrimony; we could neither neglect those letters sent for such a purpose, nor after that we had diligently examined and perpended the effects of the same, which we did very diligently, noting, conferring, and revolving every thing in them contained, with deep study of mind, pretermit ne leave to answer unto them. For sith that your holiness seemeth to go about that thing chiefly, which is to vanquish those doubts, and to take away those inquietations which daily do prick our conscience; insomuch as it doth appear at the first sight to be done of zeal, love, and piety, we therefore do thank you of your good will. Howbeit sith it is not performed in deed, that ye pretend, we have thought it expedient to require your holiness to provide us other remedies; wherefore forasmuch as your holiness would vouchsafe to write unto us concerning this matter, we heartily thank

Cotton lib. Vitell. B. xiii. [fol. 168.]

[73] [The date of this letter is doubtful. Burnet seems inclined to place it in January 1532, because of the allusion to the ambassadors in the last sentence; Bennet had been recalled by Henry in a letter to the pope, dated Nov. 4, 1531, and had been sent again to Rome in the following January. So that the allusion cannot be to his mission. Dr. Lingard assigns the date of August 1530. The pope's letter from Bologna, dated the 7th of October, sent by Paul Cassali, probably belongs to the year 1529, as we know that the pope was at that date at Bologna and sent Paul Cassali to England with despatches. (See State Papers, vol. vii. pp. 203, 206.) The allusion to the opinions of the universities precludes an earlier date for the letter than August 1530, whilst the omission of any notice of the decisions of the universities of Padua, Ferrara, and Thoulouse, seems to shew that these which were given in July and September had not yet reached England. August 1530 is therefore the most probable date.]

you, greatly lamenting also both the chance of your holiness, and also ours, unto whom both twain it hath chanced in so high a matter of so great moment to be frustrate and deceived; that is to say, that your holiness not being instructe, nor having knowledge of the matter, of yourself, should be compelled to hang upon the judgment of others, and so put forth and make answers, gathered of other men, being variable and repugnant among themselves. And that we being so long sick, and exagitate with this same sore, should so long time in vain look for remedy; which when ye have augmented our ægritude and distress, by delay and protracting of time, ye do still cruciate the patient and afflicte, as who seeth it should much avail to protract the cause, and through vain hope of the end of our desire to lead us whither ye will. But to speak plainly to your holiness; forasmuch as we have suffered many injuries, which with great difficulty we do sustain and digest; albeit that among all things passed by your holiness, some 108
cannot be laid, alleged, nor objected against your holiness, yet in many of them some default appeareth to be in you,
[fol. 169.] which I would to God we could so diminish, as it might appear no default; but it cannot be hid, which is so manifest, and though we could say nothing, the thing itself speaketh.

But as to that that is affirmed in your letters, both of God's law, and man's, otherwise than is necessary and truth, let that be ascribed to the temerity and ignorance of your counsellors, and your holiness to be without all default, save only for that ye do not admit more discreet and learned men to be your counsellors, and stop the mouths of them which liberally would speak the truth. This truly is your default, and verily a great fault, worthy to be alienate and abhorred of Christ's vicar, in that ye have dealt so variably, yea rather so inconstantly and deceivably. Be ye not angry with my words, and let it be lawful for me to speak the truth without displeasure. If your holiness shall be displeased with what we do rehearse, impute no default in us, but in your own deeds; which deeds have so molested and troubled us wrongfully, that we speak now unwillingly, and as enforced thereunto.

Never was there any prince so handled by a pope, as your holiness hath entreated us. First, when our cause was proponed to your holiness, when it was explicate and declared

afore the same; when certain doubts in it were resolved by your counsellors, and all things discussed, it was required that answer might be made thereunto by the order of the law. There was offered a commission, with a promise also that the same commission should not be revoked; and whatsoever sentence should be given, should straight without delay be confirmed. The judges were sent unto us, the promise was delivered unto us, subscribed with your holiness' hand; which avouched to confirm the sentence, and not to revoke the commission, nor to grant any thing else that might let the same; and finally to bring us in a greater hope, a certain commission decretal, defining the cause, was delivered to the judges hands. If your holiness did grant us all these things justly, ye did injustly revoke them: and if by good and truth the same was granted, they were not made frustrate and adnihilate without fraud; so as if there were no deceit nor fraud in the revocation, then how wrongfully and subtilly have been done those things that hath been done! Whether will your holiness say, that ye might do those things that ye have done, or that ye might not do them? If ye will say that ye might do them, where then is the faith which it becometh a friend, yea, and much more a pope to have, those things not being performed, which lawfully were promised? And if ye will say that ye might not do them, have we not then very just cause to mistrust those medicines and remedies with which in your letters ye go about to heal our conscience, especially in that we may perceive and see those remedies to be prepared for us, not to relieve the sickness and disease of our mind, but for other means, pleasures, [fol. 170.] and worldly respects? And as it should seem profitable, that we should ever continue in hope or despair, so always the remedy is attempered; so that we being always a-healing, and never healed, should be sick still.

And this truly was the chief cause why we did consult and take the advice of every learned man, being free, without all affection, that the truth (which now with our labour and
109 study we seem partly to have attained) by their judgments more manifestly divulged, we might more at large perceive; whose judgments and opinions it is easy to see how much they differ from that, that those few men of yours do shew unto you, and by those your letters is signified. Those few men of

yours do affirm the prohibition of our marriage to be inducte only by the law positive, as your holiness hath also written in your letters; but all others say the prohibition to be inducte both by the law of God and nature: those men of yours do suggest, that now may be dispensed for avoiding of slander; the others utterly do contend, that by no mean it is lawful to dispense with that, that God and nature hath forbidden. We do separate from our cause the authority of the see apostolic, which we do perceive to be destitute of that learning whereby it should be directed; and because your holiness doth ever profess your ignorance, and is wont to speak of other men's mouths, we do confer the sayings of those with the sayings of them that be of the contrary opinion; for to confer the reasons it were too long. But now the universities of Cambridge, Oxford, in our realm; Paris, Orleance, Biturices, Andegaven, in France; and Bonony in Italy, by one consent; and also divers other of the most famous and learned men, being free from all affection, and only moved in respect of verity, partly in Italy, and partly in France, do affirm the marriage of the brother with the brother's wife, to be contrary both to the law of God and nature; and also do pronounce that no dispensation can be lawful nor available to any Christian man in that behalf. But others think the contrary, by whose counsels your holiness hath done that, that sithence ye have confessed ye could not do, in promising to us as we have above rehearsed, and giving that commission to the cardinal Campege to be shewed unto us; and after, if it so should seem profitable to burn it, as afterwards it was done indeed as we have perceived. Furthermore, those which so do moderate the power of your holiness, that they do affirm, that the same cannot take away the appellation which is used by man's law, and yet is available to divine matters every where without distinction. No princes heretofore have more highly esteemed, nor honoured the see apostolic than we have, wherefore we be the more sorry to be
[fol. 171.] provoked to this contention, which to our usage and nature is most alienate and abhorred. Those things so cruel we write very heavily, and more glad would have been, to have been silent if we might, and would have left your authority untouched with a good will; and constrained to seek the verity, we fell, against our will, into this contention; but the sincerity

of the truth prohibited us to keep silence, and what should we do in so great and many perplexities? For truly if we should obey to the letters of your holiness, in that they do affirm that we know to be otherwise, we should offend God and our conscience, and we should be a great slander to them that do the contrary, which be a great number, as we have before rehearsed. Also, if we should dissent from those things which your holiness doth pronounce, we would account it not lawful, if there were not a cause to defend the fact, as we now do, being compelled by necessity, lest we should seem to contemn the authority of the see apostolic. Therefore your holiness ought to take it in good part, though we do somewhat at large
110 and more liberally speak in this cause, which so doth oppress us, specially forasmuch as we pretend none atrocity, nor use no rhetoric in the exaggerating and increasing the indignity of the matter; but if I speak of any thing that toucheth the quick, it proceedeth of the mere verity, which we cannot nor ought not to hide in this cause, for it toucheth not worldly things but divine, not frail but eternal; in which things no feigned, false, nor painted reasons, but only the truth, shall obtain and take place. And God is the truth to whom we are bound to obey rather than to men; and nevertheless we cannot but obey unto men also, as we were wont to do, unless there be an express cause why we should not; which by those our letters we now do to your holiness: and we do it with charity, not intending to spread it abroad, nor yet further to impugn your authority, unless ye do compel us; albeit also, that that we do, doth not impugn your authority, but confirmeth the same, which we revocate to the first foundations; and better it is in the mid way to return, than always to run forth headlong and do ill.

Wherefore if your holiness do regard or esteem the tranquillity of our mind, let the same be established with verity, which hath been brought to light by the consent of so many learned men; so shall your holiness reduce and bring us to a certainty and quietness, and shall deliver us from all anxiety, and shall provide both for us and our realm, and finally shall do your office and duty. The residue of our affairs we have committed to our ambassadors to be propounded unto you, to whom we beseech your holiness to give credence, &c.

Number XLIII. [p. 120.]

A promise made for engaging the cardinal of Ravenna. An original.

Rome, 7 Feb. 1532.

Cotton lib. Vitell. B. xiii. [fol. 149.]

EGO Willielmus Benet serenissimi domini mei D. Henrici Octavi Angliæ, etc. regis, in Romanâ curiâ orator, habens ad inscripta ab ipso rege potestatem et facultatem, prout constat per ipsius Majestatis literas patentes datas in regiâ suâ Grenewici die penultimâ Decembris M.D.XXXI.[74] manu suâ propriâ suprascriptas, et secreto sigillo suo sigillatas;

Quoniam in ipsius regis arduis negotiis expertus sum singularem et præclaram operam reverendissimi in Christo patris et domini, domini Benedicti Henrici, Sancti Eusebii sacro sanctæ Romanæ ecclesiæ presbiteri cardinalis Ravennæ, quibus et deinceps uti cupio, ut eandem semper voluntatem et operam sua dominatio reverendissima erga ipsum regem præstet, libere promitto eidem cardinali nomine dicti mei regis, quod sua majestas provideri faciet eidem cardinali, de aliquo monasterio seu monasteriis aut aliis beneficiis ecclesiasticis in regno Galliæ primo vacaturis, usque ad valorem annuum sex millium ducatorum: et insuper promitto quod rex Angliæ prædictus præsentabit, seu nominabit eundem cardinalem ad ecclesiam cathedralem primo quovis modo vacaturam, seu et ad præsens vacantem, in regno Angliæ, et de illâ ei provideri faciet; et casu quo ecclesia primo vacatura hujusmodi, seu ad præsens vacans, non sit ecclesia Eliensis promitto etiam quod succedente 111
postea vacatione ecclesiæ Eliensis, rex Angliæ transferri faciet

[74] [In Tierney's edition of Dodd's Church History, vol. i. p. 398. appendix No. XXX, the original instructions to Bennet are printed from the original draft, dated Dec. 30, 1531. The document concludes with these words: 'And where there is delivered unto the said master Benet two writings signed with the king's hand authorizing him to make promise of bishoprics and promotions as is contained in the same, the said master Benet shall use himself with wisdom and dexterity and deal with them so assuredly as they delude not his promises in that behalf.']

eundem cardinalem, si ipsi cardinali magis placuerit, ab illâ aliâ ecclesiâ ecclesiâ[75] de quâ provisus erit, ad ecclesiam Eliensem: et dictorum monasteriorum et beneficiorum ecclesiasticorum in regno Galliæ, et ecclesiæ cathedralis in regno Angliæ possessionem pacificam, cum fructuum perceptione, ipsum cardinalem assequi faciet: et hæc omnia libere promitto, quod rex meus supradictus plenissime et sine ullâ prorsus exceptione ratificabit et observabit et exequetur; in quorum fidem præsentes manu[76] meâ propriâ scripsi et subscripsi, sigilloque munivi. Dat. Romæ die septimo Februarii, M.D.XXXII.[77]

[75] [The word *ecclesiâ* is accidentally repeated here in the MS.]

[76] This is all written with his own hand, and was sent over by him to the king.

[77] [This and the following document have been considerably injured by fire.]

Number XLIV. [p. 120.]

Bonner's letter about the proceedings at Rome. An original.

Cotton lib. Vitell. B. xiii. [fol. 178.]

PLEASETH it your highness. This is to advertise the same, that sithen we William Benet, Edward Kerne, and Edmond Boner, sent our letters of the seventh of this present to your highness; there hath been two disputations public, the one the thirteenth of this, the other the twentieth day of the same, according to the order given and assigned, which was three conclusions to be disputed every consistory; and what was spoken, as well by your highness' counsel, for the justification of the conclusions proposed the said thirteenth, as also for the impugnation thereof by the party adverse, with answers made thereunto by your highness' said counsel, as fully as were any wise deduced, your said highness shall perceive by the books sent herewithal containing the same; and also the justifications, objections, and answers, made in the sixth of this present, according as I Edward Kerne in my said letters promised.

The copies of all the which justifications, objections, and answers, after that they were fully noted and deduced in writing, and maturely considered by your highness' learned counsel, I Edward Kerne did bring to the pope's holiness, and to the cardinals, for their better information; and likewise did of the first, always afore the consistory, according to the order assigned at the beginning; looking in likewise that the queen's counsel should do the same, but as yet they have done nothing therein, though your ambassadors and I have called upon the pope many times for the same. And as concerning such things as were spoken or done for either part in the disputations of the twentieth day, it is not possible for us, by reason of the shortness of time, to reduce all in good order, and to send the same to your highness at this time; nevertheless with all speed it shall be made ready, and sent to your highness by the next courier. After the disputation done, the said thirteenth of this present, the advocate of the party adverse did allege,

that we did seek these disputations but only to defer the process; protesting therefore, that the queen's counsel would dispute no more: and desiring therefore the pope's holiness and the whole consistory, to make process in the principal cause. Whereunto I Edward Kerne said, that the pope's holiness, with the whole senate, had granted the disputations upon the matters, and given an order that the conclusions published should be disputed according to the same. Where-
112 upon I desired that forasmuch as there remained sixteen conclusions not disputed (which to propose and justify, with your highness' counsel, I would be ready at all times) that if the party adverse knowing the conclusions to be canonical, would not confess them, and thereby avoid disputations, that then the said party should dispute them, and upon the refusal of both the same, the matters excusatory to be admitted by his holiness, especially because the said party adverse hath nothing material that could be perceived to let the same. The pope's holiness answered, that he would deliberate upon the demand of both parties.

The sixteenth of this present, the datary on the pope's behalf sent unto me Edward Kerne, an intimation of the consistory to be kept the twentieth of this present, and that I should send the conclusions not disputed, that they might be in the said consistory disputed; adding withal, that the said consistory should be *ultimus et peremptorius terminus quoad alias disputaciones.* Of the which intimation your highness shall receive a copy herewith. Upon this, with the advice of your ambassadors and counsel here, I repaired unto the said datary, and brought unto him three conclusions to be disputed, with a protestation, *De non recedendo ab ordine hactenus observato,* according to the proeme of the said conclusions, the copy whereof your highness shall receive herewith. Afterward, with the same conclusions and protestation, I went to cardinal de Monte, who said, at the beginning, that all the consistory crieth out upon the disputations, and that we had been heard sufficiently, and that it was enough that we should have the fourth disputation; adding withal, that it was a thing never seen before after such sort; and that it stood not with the honour of the see to have such disputations in the consistory, to the great disquieting of the pope and the cardinals,

especially considering the manner that is used, and that all the conclusions be touched which should content us. To this I answered, and desired his most reverend lordship to call to his remembrance, what he had promised to your highness' am-
[Feb. 10.] bassadors and me, in the Castel-Angel upon Shroft-Sunday, the pope being present, and allowing the same, contented that all the conclusions should be disputed *singulariter;* and that I should at my pleasure, from time to time, choose the conclusions to be disputed. And how also afterward, viz. the seventeenth of February, the pope's holiness, cardinal Anchona, and his lordship, not going from that promise, took direction three conclusions to be disputed every consistory; the choice whereof to be at my liberty (according to the copy of the said order which I sent to your highness with my letters, of the date of the twenty-second of the last): and furthermore, that what time the order to dispute three conclusions in a consistory was sent to me, and I required to send the conclusions first to be disputed according to the said order; I did, to avoid all manner of doubts, protest afore I would accept it, and in the deliverance of the said conclusions, that I would not otherwise accept it, but that all the conclusions, according to the order promised in Castel-Angel, should be disputed and examined *singulariter*, and that standing, and not otherwise, I delivered my said conclusions according to the order of the seventeenth of February; which order the pope's holiness hitherto had approved and observed, and from that I nother could nother would go from: and where he said that we had been heard sufficiently; I said, that audience and
[fol. 179.] information of less than the one half of a matter could not 113
be sufficient; and if they intended to see the truth of the whole, every point must be discussed. And as for the crying out of the cardinals, I said, they had no cause so to do, for it was more for the honour of the see apostolic, to see such a cause as this is, well and surely tried, so that the truth may appear, and the matters be well known, than to proceed *præcipitanter*, as they did at the beginning of this matter, afore they well knew what the matter was. And as touching the disquieting of the pope's holiness, and the said cardinals, I said, your highness for their pains was much beholden unto them; nevertheless, I said, that they might on the other side ponder such pains as your highness hath taken for them, in part

declared by me; which was much more than for them to sit in their chairs two or three hours in a week, to hear the justice of your defence in this cause. And as touching the manner used in the said disputation, I said his lordship knew well that it was by the party adverse, which all manner of ways goeth about to fatigate and make weary the consistory of the disputations, specially in chiding, and scolding, and alleging laws and decisions that never were, nor spoken of by any doctor, and vainly continuing the time, to the intent that the pope's holiness, and the cardinals, dissolving the consistory, and not giving audience, the said party, without law, reason, or any good ground, might attain their desire, and keep under the truth, that it should not appear; and if any thing was sharply spoken of our party, I said it was done only for our defence, and to shew the errors and falsity of the queen's advocates in their allegations, wherein, I said, they should not be spared. And forasmuch as on the behalf of your highness there was nothing spoken but that which was grounded upon law, and declared in what place, so that it cannot be denied; I desired his lordship that he would continue his goodness in this matter, as your highness' especial trust was he would do; and that we might always, as we were accustomed, have recourse unto the same in all our business for his good help and counsel. His lordship not yet satisfied, said, that as concerning the order, the pope's holiness might interpretate and declare what he meant by it; and as touching the conclusions, they were superfluous, impertinent, and calumnious, only proposed to defer the matter. I answered, and said, that to interpretate the said order where it is clear out of doubt the pope's holiness considering the promise made on Shroft-Sunday, with my protestation foresaid and the execution of the said order to that time, in divers consistories observed, could not by right interpretate the said order, admitting disputation upon all the conclusions; and of this I said, that if such alterations were made, without any cause given of your highness' party, there was little certainty to be reckoned upon amongst them. And as touching the superfluity and impertinency of the said conclusions, I said, that that was the saying of the party adverse, that did not understand the same conclusions. And further, that such conclusions as were clamorously, by the advocate of

the party adverse, alleged to be superfluous, his lordship in the disputation and trial thereof in the consistory, did manifestly perceive that it was not so. And where it was alleged the said conclusions to be calumnious, and laid in to defer the process; I answered, that we might well allege again the counsel of the party adverse, the thing against us alleged, and 114
say truly, that we were calumniously dealed withal, seeing the matters were so just and clear, and yet not admitted. Then his lordship went further, and said, that *impedimentum allegatum erat perpetuum*, because your highness, *ex causâ reipublicæ*, could not come out of your realm, and *quia dignitas vestra est perpetua;* and also *quod causa requirit celeritatem.* To this I said, that his lordship mistook the matters, for we said not in the matters that your highness could not go out of your realm to no place, but we said, that the same could not go, *ad loca tam remota*, as Rome is: so that it was not *perpetuum impedimentum.* And to the other I shewed him a text, and the common opinion of doctors in a cause of matrimony, being *inter regem et reginam*, which took away the thing that he had said. Then his lordship said, that it was enough that the place were sure to the procurator by the chapter, *Cum olim de testibus.* I said, that that chapter did not prove that allegation, and that they mistook the text that so did understand it, for the alternative that is in that text is not referred *ad locum tutum*, but *ad ordinem citacionis inchoandæ in personâ principali, aut ejus procuratore;* and so *Petrus de Anchorano*, understandeth that text; and otherwise understanding the same it should be against the chapter, *Ex parte de appellatione*, and the common opinion there. Then he said that Aretin saith, *Quod sufficit quum locus sit tutus procuratori.* I said, that under his favour, Aretine saith the contrary, for he saith, *Quod partibus debet locus tutus assignari si poterit, et si non poterit partibus, detur procuratoribus.* Then his lordship said to me, that I knew well he began to set forward these disputations, and that he would do the best he could for the furtherance thereof.

The nineteenth of this present I went with your highness' ambassadors to the pope, and delivered his holiness in writing those things that were done in the disputation of the thirteenth of this: and then your ambassador was in hand with the pope

to alter the intimation, and to put out the term *peremptory*, and other that were exclusory of further disputations to be had upon the same conclusions. The pope's holiness said, that disputations was no act judicial requiring to be in the consistory; and therefore he said, he would call certain congregations of cardinals, on Friday and Monday following, to hear the disputations. Then I William Benet said, that that could not stand very well with the decree of the intimation, which was peremptory for any further disputations after the twentieth of this present; and therefore I spake that the same term *peremptory* might be put out of the intimation, alleging withal, that upon the said Friday or Monday it was no time to hear the disputation, being so nigh after; and that his holiness hitherto hath observed the consistory for the disputations, which consistory cannot be unto after Easter, if the manner of the court be observed. Then the pope said, he might call a consistory when he would, as he hath done in making of cardinals, an act much more solemn than a disputation. To that I said, his holiness might do so if he would; howbeit, it should be *præter solitum morem:* and therefore desired his holiness to consider therein the order before assigned, and that this term *peremptory* would not stand with the order. His holiness then willed we should inform the cardinals, Anchona and de Monte, and so we did. Anchona shewed himself somewhat reasonable, and was
115 contented the term *peremptory* should be put out. De Monte said that the pope would promise to hear the conclusions disputed in congregations, calling thereto certain cardinals, so that the term *peremptory* should not be prejudicial. Then I Edward Kerne desired him, that if the said term should not be prejudicial, that it might be stricken out, for I told him plainly that I would not stand to words, the writing shewing the contrary; adding withal, that I would not dispute in this term, *tanquam peremptorio*, but would manifestly shew and protest, that I, with other your highness' counsel, were ready to defend the conclusions published according to the order given, and hitherto observed; alleging also, that the conclusions being justified, the matters ought to be admitted; and that if the pope's holiness and the cardinals would not give audience to me and your highness' said counsel, for the manifest trial and shewing of the truth, they should give us cause to complain

[fol. 180.]

upon them, and to cry out *usque ad sidera*, your highness' ambassadors all affirming the same. Then the said cardinal de Monte said, that the pope's holiness would provide for the disputations, notwithstanding the term *peremptory* assigned, and said also, that in the morning he would speak with the pope, and give your ambassadors and me an answer.

In the morning, which was the twentieth of this present, the said cardinal would, that nothing of the decree of intimation should be manifested, because the other part had a copy thereof, but would the pope's holiness to give an order that the word *peremptory* should be only for disputations to be had in the consistory, and not in congregations, in which congregations, the conclusions remaining might be disputed; and though they had drawn out this order, yet because it was nothing plain, neither certain to be conformable to the former order, I would have had the said cardinal to speak to the said datary for to make it as afore; and he was then contented, howbeit the pope's holiness commanded all the cardinals to their places, so that I could not have the said order, and was driven thereby other to dispute and accept the term, *tanquam peremptorium*, or else to flee the disputations, giving occasion to the adverse party to say, that I diffided in the justness of the matters, and defence of the conclusions. Whereupon your highness' ambassadors and we, with other your learned counsel, concluded, that I Edward Kerne should protest, *De non consentiendo in termino, tanquam peremptorio*, and afterward to proceed unto the proposing of the conclusions, and so I did by mouth according to the tenor of a copy, which herewithal your highness shall receive. When I had protested, and the pope had spoken this word *Acceptamus*, the queen's advocate began to protest that they would dispute no more, and desired his holiness to proceed in the principal cause. Then I Edward Kerne said, that the pope's holiness did well perceive, that the conclusions were published and purposed, not only for them to dispute, but also for all other, come who would, for the information of his holiness, and the whole consistory. And therefore I said, that though they would not dispute, yet I was there, with other your highness' learned counsel, to purpose the conclusions, according to the order given, justifying them to be canonical, and ready to defend them against all those that would again say

them; and thereupon desired the pope's holiness, that though the counsel of the party adverse would not dispute, yet I with
116 your highness' learned counsel might be heard again; against which my desire the queen's advocate made great exclamation, till at the last the pope commanded him to silence, and willed us to go to the conclusions, which we did.

And here now it is determined, that we shall have no more disputations in the consistory, but the rest of the conclusions to be disputed in congregations before the pope, purposely made for the same; and what therein shall be determined or done, your highness from time to time shall thereof by us be advertised, and of all other our doings in that behalf.

And as concerning the letters which your highness sent by Francis the courier, of the last of February [78], as well to the pope, as to me Edward Kerne, for the admission of me and the matter excusatory, we shall, according to your highness' pleasure and order assigned, in the common letter sent unto us by your said highness, proceed and do therein as may be most beneficial and profitable for the same.

And thus most humbly we commend us to your highness, beseeching Almighty God to preserve the same in felicity and health many years.

At Rome the 23rd of March, 1532.

Your highness' most humble subjects,
servants, and chaplains,
William Benet,
Edward Kerne,
Edmond Boner.

[78] [There is a despatch of this date written in Latin by the king to Ghinucci, Bennet, and sir Gregory Cassali, printed in State Papers, vol. vii. p. 350, which alludes to this letter to Carne; it appears to have been written according to his request (ibid. p. 348.) 'to send another letter to me willing and commanding me therein to excuse your highness' appearance at the court of Rome, as well for the commodity of your highness' realm, according as it is in the matters excusatory as form *impedimenta itinerum et mediorum locorum* not expressing therein *quo nomine* for it need not.' The letter itself is without date and is printed in State Papers, vol. vii. p. 352.]

Number XLV. [p. 121.]

Another letter concerning the process at Rome. An original.

Cotton lib. Vitell. B. xiii. [fol. 181.]

PLEASETH it your highness, sithen our letters of the twenty-third of March, here hath been great labour, and soliciting, to bring the disputation public out of the consistory kept once in the week, into congregations, to be observed and kept before the pope's holiness and the cardinals, in such place, and as oft as should please them; to the intent, as we perceived that the said disputation might be the sooner ended, and not take such effect as it was devised for. And upon this great importune labour, I, Edward Karne, was monished oftentimes to send conclusions to be purposed in the said congregations, as well in Palm Sunday week, as in Easter week, as appeareth by the copies of the intimations sent herewithal to your highness: upon which intimations I delivered certain conclusions, according to the order taken at the beginning, with a protestation devised by your grace's counsel, *De non recedendo ab eodem ordine, et de proponendo easdem conclusiones in consistorio,* 117 *juxta eundem ordinem et non aliter.* That notwithstanding, the pope's holiness caused me to be monished again, *cum comminatione*, that if I would not come in, *cum advocatis*, the third day of April, *procederet ad ulteriora, protestatione meâ prævia non obstante.* Whereupon, with the advice of your said learned counsel, I conceived a protestation, and the same delivered to the pope's holiness the said third day in the morning, protesting as it was therein contained, and causing it to be registered by the datary; of the which protestation your highness shall also receive a copy herewithal. This notwithstanding, the pope's holiness, the said third day in the afternoon made a congregation, where the said protestation was examined; and after the treaty had upon the same, we were in conclusion remitted again to the consistory, there to be heard, as much as the consistory intendeth to hear, upon the conclusions that are published; which was much more beneficial to us, than to have had all purposed in congregations to have been kept, as is afore. And by this means the matter was shifted off, and deferred unto the tenth of this month; at

which time the pope's holiness kept the consistory. And one Mr. Provydell, a singular good clerk, which came from Bononye for the furtherance of your highness' cause, very compendiously, and after good fashion and handling, to the great contentation, as appeared, of the audience there, purposed three conclusions, of the which two concerned the habilitation of me Edward Karne, to lay in the matters excusatory: and the third was, that the cause ought to be committed, *extra curiam, ad locum tutum utrique parti:* of the which conclusions, and also his sayings, the said tenth day, your highness shall receive a copy herewithal. And forasmuch as at the said consistory, neither the imperials, neither yet the queen's counsel, did not appear; I, Edward Karne, with the advice of your highness' counsel, said to the pope's holiness, after the proposition made by Mr. Provydell, that his holiness might perceive well, that if the party adverse had any good matter to allege, against such things as were deduced for the justification of the conclusions, and matter excusatory, and did not diffide of their part, they would not have absented themselves, or shrunken from the disputations, which they afore had accepted and taken; wherefore I accused their contumacy and absence, desiring that it might be enacted; and thereupon departed from the consistory, for that day dissolved.

The fourteenth of this present, the pope's holiness caused intimation to be made unto me, of the consistory to be kept the seventeenth of the same; willing me to be there, *cum advocatis*, to dispute all the conclusions not purposed and disputed: upon the which intimation, I delivered to the datary three conclusions, the 19th, the 20th, and the 21th in order, with a protestation devised by your learned counsel, sent herewithal to your highness: and in the said consistory, Mr. Provydell did also allege for the justification of the matters and conclusions; and on that answered to such objections as he thought the party adverse to make foundation upon, and that very compendiously, being sorry that the imperials, and queen's counsel, did not come in to dispute the said conclusions; and the sayings of the said Mr. Provydell in the said consistory, with my protestation also, in not agreeing to the term, as *peremptory*, your highness shall perceive in writing sent herewithal.

As concerning the seven conclusions yet remaining undis- 118
puted, we think the pope's holiness will hear us no further in the consistory; saying, that the party adverse will not abide the disputations, nor come into the same: nevertheless to take otherwise out of the consistory, with the cardinal's information, his holiness is well contented.

And verily, sir, to study, labour, set forward, and call upon such things as may confer to the advancement of the matter, and your highness' purpose, there shall not want nother good will, nother diligence to the uttermost, that we can excogitate or desire, as hitherto surely neither party hath failed; trusting in God that thereby if justice be not oppressed, that some good effect shall follow, to the good contentation of your highness. With these presents, your highness shall also receive a copy of all things that were spoken, as well for your highness' behalf, as by the party adverse in the consistory, the twentieth day of March.

And thus most humbly we commend us to your highness, beseeching Almighty God long to continue the same in his most royal estate.

At Rome, the 29th day of April [79].

Your highness' most humble subjects,
and poor servants,
Edward Karne,
Edmond Boner.

[*To the king's highness.*]

[79] [Ghinucci, Bennet and sir Gregory Cassali wrote on the same day to the king a Latin letter informing him that they had let the pope know of the statute for the abolition of annates, according to his instructions, and how the king had stopped the mouths of complainers as well as he could, reserving the whole matter for his own decision. They also allude to the good service that had been done by Providellus on the 10th and 17th of April. This letter is printed in State Papers, vol. vii. p. 367.]

Number XLVI. [p. 122.]

A letter from Bennet and Cassali about the process. An original.

SERENISSIME et invictissime domine noster supreme, salutem. Cotton lib. Vitell. B. xiii. [fol. 210.]

Tribus superioribus consistoriis ante vacationes habitis, de causâ excusatoriâ actum fuit; sed quid illud fuerit quod in primo egerunt rescire non potuimus, quia cardinales pœnâ excommunicationis prohibiti fuerant quicquam revelare. Secundo etiam aliquid super eâdem causâ tractârunt quod itidem nos cælaverunt. Sed ultimo illo, quod die octavo Julii congregatum fuit, ita ut inferius patebit, constituerunt. Quum ergo postero die pontificem adivissemus, ut quod decretum foret cognosceremus, ab eo sic accepimus; nolle se ore suo, propterea quod jurisperitus non sit, consistorii deliberationem pronunciare; quocirca die sequenti ad ipsum rediremus, quoniam vellet cardinales Montem et Anconitanum id ipsum nobis proferre: Et nihilominus idem quod deinde ex ipsis cardinalibus audivimus tunc explicavit, noluit tamen nobis esse responsi loco. Igitur sicut dixerat, redivimus, et nobis duo illi cardinales sic retulerunt:

Summum dominum et cardinales decrevisse, literas exhortatorias cum a pontifice, tum a collegio cardinalium, majestati
119 vestræ scribendas esse, quibus vestram majestatem adhortarentur, ut velit hic ad causam procuratorem constituere, idque per totum Octobrem proximum facere. Pontifex præterea suadebat ut ad idem nos majestatem vestram cohortaremur, idemque fecerunt cardinales, volentes omnes ambiguitates et dubitationes tollere. Respondimus, velle quod nobis injungebatur majestati vestræ scribere; verum illud non posse reticere quod erga majestatem vestram inique actum videbatur; quum neque excusator admissus, neque ipsius allegationes forent probatæ ac receptæ, id quod tam sæpe instantissime petitum fuerat. Præterea non posse nos non valde mirari ac etiam summopere conqueri, quod quum pro comperto haberemus juris esse id fieri, esset nihilominus denegatum; quum præsertim petendo mandatum procuratorium, tacite viderentur rejicere

excusatorem, et per ipsum allegata. Sic autem nobis illi responderunt: Neque excusatorem fuisse rejectum, neque per ipsum allegata sed in eodem quo prius, statu permanere; hoc autem excusatorium negotium minime, ut nobis judicibus clarum, sed dubium videri. Ibique, Anconitanus quædam nostris contraria adduxit, quæ dominus Karne suis literis recenset. Dicebant quoque in hâc re favorabilius nos, quam adversarios fuisse tractatos; illud etiam addentes, quod si procuratorium mandatum mittatur, justitia optime ministrabitur, ac etiam quatenus fieri possit, favorabiliter; idque et pontifex et cardinales ambo constanter asseverabant. Quum vero nos sæpius diceremus, excusatorem admitti debuisse; dixerunt, si recte considerare velimus, nos idem ipsum re habuisse: Si enim (aiebant), procurator hic constituatur, literæ remissoriæ et compulsoriæ decernentur, ad testes in partibus examinandos. Itemque vir aliquis probus ad id delegabitur ad utramque partem, testesque scilicet examinandos, ita ut processus in partibus fiat; atque hoc pacto nos id consequi quod desideramus, quoniam quod ad totius causæ decisionem pertinet ex eo quod de pontificis potestate cognoscendum, et de jure divino disceptandum sit, ac aliis etiam de causis, ipsam decisionem pontifici integram semper reservari nihilominus oporteret, quamvis causam alibi quam Romæ cognosci permissum fuisset. Nobis certe visum est, haud parum esse quod obtinuimus; longe enim pejora timebamus, quum nemo in urbe esset, qui non crederet excusatorem una cum suis allegationibus rejectum iri. Hunc quidem eventum rei Cæsariani ægerrime tulerunt. Optime valeat majestas vestra.

Romæ die 13 Julii 1532.

Vestræ regiæ majestatis

Hier. episcopus Wigornien.

W. Benet.

Gregorio Cassali[80].

[80] [The edges of this document are so burnt that about two words in each line are lost.]

120 ## Number XLVII. [p. 131.]

The sentence of divorce.

Anno incarnationis dominicæ millesimo quingentesimo tricesimo tertio, indictione sextâ, pontificatûs sanctissimi in Christo patris et domini nostri, domini Clementis divinâ providentiâ hujus nominis papæ septimi, anno decimo, mensis vero Maii die vicesimo tertio, in ecclesiâ conventuali monasterii Sancti Petri de Dunstable, ordinis Sancti Augustini Lincolniensi Diœcese nostræ Cantuariensis provinciæ.

IN DEI NOMINE, AMEN.

Nos Thomas permissione divinâ Cantuariensis archiepiscopus, totius Angliæ primas, et apostolicæ sedis legatus, in quâdam causâ inquisitionis de et super viribus matrimonii inter illustrissimum et potentissimum principem et dominum nostrum Henricum Octavum Dei gratiâ Angliæ et Franciæ regem, fidei defensorem et dominum Hiberniæ, ac serenissimam dominam Katherinam nobilis memoriæ Ferdinandi Hispaniarum regis filiam contracti et consummati, quæ coram nobis in judicio ex officio nostro mero aliquamdiu vertebatur, et adhuc vertitur, et pendet indecisa, rite legitime procedentes, In an Inspeximus, Rot. Pat. 25. Reg. p. 2. [m. 30. Rymer, xiv. p 468.]

Visis primitus per nos et diligenter inspectis, articulis sive capitulis in dictâ causâ objectis et ministratis, una cum responsis eis ex parte dicti illustrissimi et potentissimi principis Henrici Octavi factis et redditis,

Visisque et similiter per nos inspectis plurimorum nobilium et aliorum testium fide dignorum dictis et depositionibus in eâdem causâ habitis et factis,

Visisque præterea et simili modo per nos inspectis, quamplurium fere totius Christiani orbis principalium achademiarum, censuris seu conclusionibus magistralibus, etiam tam Theologorum quam jurisperitorum responsis et opinionibus,

Utriusque denique provinciæ Anglicanæ conciliorum provincialium assertionibus et affirmationibus, aliisque salutaribus monitis et doctrinis super dicto matrimonio desuper respective habitis et factis ;

Visisque ulterius, et pari modo per nos inspectis, tractatibus seu fœderibus pacis, et amicitiæ inter perhennis famæ Henricum

septimum nuper regem Angliæ, et dictum nobilis memoriæ Ferdinandum nuper regem Hispaniæ desuper initis et factis;

Visis quoque peramplius, et diligenter per nos inspectis, omnibus et singulis actis actitatis, litteris, processibus, instrumentis, scripturis, munimentis, rebusque aliis universis in dictâ causâ quomodolibet gestis et factis,

Ac hiis omnibus et singulis per nos visis et inspectis, atque a nobis cum diligentiâ et maturitate ponderatis et recensitis, servatisque ulterius per nos in hâc parte de jure servandis,

Nec non partibus prædictis, videlicet præfato illustrissimo et potentissimo principe Henrico Octavo per ejus procuratorem idoneum coram nobis in dictâ causâ legitime comparente, dictâ vero serenissimâ dominâ Katherinâ per contumaciam absente, cujus absentia divinâ repleatur præsentiâ;

De consilio jurisperitorum et theologorum, cum quibus in hâc parte communicavimus, ad sententiam nostram diffinitivam sive finale decretum nostrum in dictâ causâ ferendam sive ferendum sic duximus procedendum, et procedimus in hunc modum.

Quia per acta inactitata, deducta, proposita, exhibita et allegata, probata pariter et confessata, articulataque capitulata, partis responsa, testium depositiones, et dicta instrumenta, munimenta, litteras, scripturas, censuras, conclusiones magistrales, opiniones, consilia, assertiones, affirmationes, tractatus et fœdera pacis, processus, res alias, et cætera præmissa coram nobis in dictâ causâ respective habita, gesta, facta, exhibita et 121
producta; necnon ex eisdem, et diversis aliis ex causis et considerationibus, argumentisque et probationum generibus variis, et multiplicibus, validis quidem et efficacibus, quibus animum nostrum in hâc parte ad plenum informavimus, plene et evidenter invenimus et comperimus dictum matrimonium inter præfatos illustrissimum et potentissimum principem et dominum nostrum Henricum Octavum, ac serenissimam dominam Katherinam, ut præmittitur, contractum et consummatum, nullum et omnino invalidum fuisse et esse, ac divino jure prohibente contractum et consummatum extitisse;

Idcirco nos Thomas archiepiscopus primas et legatus antedictus, Christi nomine primitus invocato, ac solum Deum præ oculis nostris habentes,

Pro nullitate et invaliditate dicti matrimonii pronuncianus,

decernimus et declaramus, ipsumque prætensum matrimonium fuisse, esse nullum et invalidum, ac divino jure prohibente contractum et consummatum, nulliusque valoris aut momenti esse, sed viribus et firmitate juris caruisse et carere, præfatoque illustrissimo et potentissimo principi Henrico Octavo ac serenissimæ dominæ Katherinæ non licere in eodem prætenso matrimonio remanere,

Etiam pronunciamus, decernimus et declaramus; ipsosque illustrissimum et potentissimum principem Henricum Octavum et serenissimam dominam Katherinam, quatenus de facto et non de jure dictum prætensum matrimonium ad invicem contraxerunt et consummârunt, ab invicem seperamus et divortiamus, atque sic divortiatos, et separatos, necnon ab omni vinculo matrimoniali respectu dicti prætensi matrimonii liberos et immunes fuisse et esse, pronunciamus, decernimus et declaramus, per hanc nostram sententiam diffinitivam, sive hoc nostrum finale decretum, quam, sive quod fecimus et promulgamus in his scriptis.

In quorum præmissorum fidem et testimonium, has litteras nostras testimoniales, sive præsens publicum sententiæ vel decreti instrumentum, exinde fieri ac per notarios publicos subscriptos, scribas et actuarios nostros in eâ parte specialiter assumptos, scribi et signari, nostrique sigilli appensione jussimus et fecimus communiri[81].

He likewise passed judgment (confirming the king's marriage with queen Anne) at Lambeth, May 28, 1533. *which is in the same* Inspeximus. [Rymer, xiv. p. 470.]

[81] [This sentence was printed by lord Herbert, p. 375, and appears also in Wilkins, Conc. iii. p. 759. It was reprinted incorrectly in Cranmer's Remains, p. 243. The sentence itself, *ex autogr.* has also been printed by Rymer, p. 463. It is precisely the same with that in the *Inspeximus*, with two errors, apparently of the press.]

Number XLVIII. [p. 148.]

Act 5. anno regni 25.

An Act concerning the deprivations of the bishops of Sarum and Worcester.

[Cap. 27. Statutes, vol. iii. p. 483.]

WHERE before this time the church of England, by the king's most noble progenitors, and the nobles of the same, hath been founded, ordained, and established, in the estate and degree of prelatic dignities, and other promotions spiritual, to the intent and purpose that the said prelates, and other persons, having the said dignities and promotions spiritual, continually should be abiding, and resyaunt upon their said 122
promotions within this realm; and also keep, use, and exercise hospitality, divine services, teaching and preaching of the laws of Almighty God, to such persons as were and been within the precinct of their promotions or dignities, for the wealth of the souls of their givers and founders, greatly to the honour of Almighty God. Of the which said spiritual persons, the king's highness, and his most noble progenitors, have had right honourable, and well-learned personages, apt, meet, and convenient, for to gyve[82] and instruct his highness, and his most noble progenitors, in their counsels, concerning as well their outward as inward affairs, to be devised and practised for the utility and preservation of this realm; by reason whereof the issues, revenues, profits, and treasure, rising and coming of the said spiritual promotions and dignities, were and should be spent, employed, and converted within this realm, to the great profit and commodity of the king's subjects of the same. And where also by the laudable laws and provisions of this realm, before this time made, it hath been ordained, used, and established, that no person nor persons, of whatsoever estate, degree, or quality he or they were, should take or receive within this realm of England, to farm by any procuracy, writ, letter of attorney, administration by indenture, or by any other mean, any benefice, or other promotion within this realm, of any person or persons, but only of the king's true and lawful subjects, being born under the king's dominions. And also

[82] [Apparently a mistake for *guide*, as it was printed in the folio editions.]

that no person or persons, of what estate and degree soever he or they were, by reason of any such farm, procuracy, letter of attorney, administration, indenture, or by any other mean, as is aforesaid, should carry, convey, or cause to be carried and conveyed out of this realm any gold, silver, treasure, or other commodity, by letter of exchange, or by way of merchandise, or otherwise, for any of the causes aforesaid, to the profit or commodity of any alien, or other stranger, being born out of this realm, having any such promotion spiritual within the same, without license of the king's highness, by the advice of his council, as by the same laws, statutes and provisions, more plainly at large it may appear; which said laudable laws, statutes, and provisions, were made, devised, and ordained, by great policy and foresight of the king's most noble progenitors, the nobles and commons of this realm, for the great profit, utility, and benefit of the same, to the intent that the gold, silver, treasure, riches, and other commodity of the same, by the occasion aforesaid, should not be exhausted, employed, converted, and otherwise transported out of this realm and dominions of the same, to the use, profit, and commodity of any stranger being born out of this realm, or the dominions of the same; but only to be spent, used, and bestowed within the same, to the great comfort and consolation of the subjects of this realm. Notwithstanding which said wholesome laws, statutes, and provisions, the king's highness being a prince of great benignity and liberality, having no knowledge, nor other due information, or instruction of the same laws, statutes, and provisions, heretofore hath nominated, and preferred and promoted Laurence Campegius bishop of Sarum, being a stranger born out of this the king's realm and all other his dominions, to the see or bishopric of Salisbury with all the spiritual and temporal possessions, promotions, and other emoluments and commodities in any wise belonging or appertaining to the same: and also hath nominated, preferred and promoted Hierome, being another stranger, born out of the king's said realm and dominions, to the see and bishopric of
123 Worcester, with all the spiritual and temporal promotions, and other emoluments and commodities, in any wise belonging or appertaining to the same. Which said two bishops, and namely the bishop of Sarum, nothing regarding their duties to

Almighty God, nor their cures of their said bishoprics, eversith or for the more part of the time of their said promotions or prefections into the same, have been, and yet be resident, dwelling and abiding at the see of Rome, or elsewhere, in the other parts of beyond the sea, far out and from any of the king's said dominions; by reason whereof, the great hospitality, divine service, teaching and preaching the laws, and examples of good living, and the other good and necessary effects before rehearsed, have been by many years past, and yet continually be, not only withdrawn, decayed, hindered, and minished, but also great quantity of gold, silver, and treasure, to the yearly sum and value of three thousand pounds at the least, have been yearly taken and conveyed out of this realm, to the singular profit and great enriching of the said bishops, and daily is like to be conveyed, transported, and sent, contrary to the purport and effect of the said former wholesome laws and statutes, to the great impoverishing of this realm, as well presently as for to come, if speedy remedy be not had therefore in brief time provided. IN CONSIDERATION whereof, be it enacted by the authority of this present parliament, that the said two several sees and bishopries of Salisbury and Worcester, and either of them from henceforth, shall be taken, reputed, and accounted in the law to be utterly void, vacant, and utterly destitute of any incumbent or prelate, &c. [83]

[83] [The rest of this act which is not printed here empowers the king to 'nominate, prefecte, make or preferre' new bishops thereto, and adds a proviso for grantees of offices, &c. as well as another allowing both these bishops to retain their bishoprics, if they shall return within four months after the feast of Easter 1534, and take the oath of allegiance, and remain in the country.]

Number XLIX. [p. 183.]

A letter from Cromwell to Fisher, about the Maid of Kent, anno 1534, *or end of* 1533.

MY lord, in my right hearty wise I commend me to your lordship, doing you to understand, that I have received your letters dated at Rochester, the 18th day of this month[84]; in which ye declare what craft and cunning ye have to persuade, and to set a good countenance upon an ill matter, drawing some scriptures to your purpose; which well weighed, according to the places whereout they be taken, make not so much for your purpose as ye allege them for. And where in the first leaf of your letter ye write that ye doubt nothing, neither before God nor before the world, if need shall that require, so to declare yourself, whatsoever hath been said of you, that ye have not deserved such heavy words, or terrible threats, as hath been sent from me unto you by your brother; how ye can declare yourself afore God and the world, when need shall require, I cannot tell; but I think verily that your declaration made by these letters, is far insufficient to prove that ye have deserved no heavy words in this behalf. And to say plainly, I sent you no heavy words, but words of great
124 comfort, willing your brother to shew you how benign and merciful the prince was: and that I thought it expedient for you to write unto his highness, and to recognise your offences, and desire his pardon, which his grace would not deny you now in your age and sickness; which my counsel I would ye had followed, rather than to have written these letters to me, excusing yourself as though there were no manner of default in you. But, my lord, if it were in another manner of case than your own, and out of the matter which ye favour, I doubt not but that ye would think him that should have done as ye have done, not only worthy heavy words, but also heavy deeds; for where ye labour to excuse yourself of your hearing, believing, and concealing of the Maiden's false and feigned revela-

Cotton lib. Cleop. E. iv. [fol. 85.]

[84] [This letter does not appear to be in existence.]

tions, and of your manifold sending of your chaplains unto her, by a certain intent which ye pretend yourself to have had, to know by communing with her, or by sending your chaplains to her, whether her revelations were of God, or no, alleging divers scriptures that ye were bound to prove them, and not to reject them after they were proved.

My lord, whether ye have used a due means to try her and her revelations, or no, it appeareth by the process of your own letters. For where ye write that ye had conceived a great opinion of the holiness of this woman, for many considerations rehearsed in your letters, comprised in six articles; whereof the first is grounded upon the bruit and fame of her; the second, upon her entering into religion after her trances and diffiguration; the third, upon rehearsal that her ghostly father being learned and religious, should testify that she was a maid of great holiness; the fourth, upon the report that divers other virtuous priests, men of good learning and reputation, should so testify of her, with which ghostly father, and priests, ye never spake, as ye confess in your letters; the fifth, upon the praises of my late lord of Canterbury, which shewed you, as ye write, that she had many great visions; the sixth, upon the saying of the prophet Amos, *Non faciet Dominus Deus verbum, nisi revelaverit secretum suum ad servos suos prophetas.* By which considerations ye were induced to the desire to know the very certainty of this matter, whether these revelations which were pretended to be shewed to her from God, were true revelations or not. Your lordship in all the sequel of your letters, shew not that ye made any further trial upon the truth of her and her revelations, but only in communing with her and sending your chaplains to her with idle questions, as of the three Mary Magdalens, by which your communication and sending, ye tried out nothing of her falshood, neither (as it is credibly supposed) intended to do, as ye might have done, many ways more easily than with communing with her, or sending to her; for little credence was to be given to her, affirming her own feigned revelations to be from God; for if credence should be given to every such lewd person as would affirm himself to have revelations from God, what readier way were there to subvert all common-weals and good orders in the world?

Verily, my lord, if ye had intended to try out the truth of her, and of her revelations, ye would have taken another way with you. First, ye would not have been converted with [fol. 86.] the vain voices of the people, making bruits of her trances and diffiguration, but like a wise, discreet, and circumspect prelate, ye should have examined (as other have) such sad and credible persons as were present at her trances and diffigurings, not one or two, but a good number, by whose testimony ye should have proved, whether the bruits of her trances and diffigurations were true or not. And likewise ye should have tried by what craft and persuasion she was made a religious woman. And if ye had been so desirous, as ye pretend, to enquire out the truth or falshood of this woman, and of her revelations, it is to be supposed ye would have spoken with her good, religious, and well learned ghostly father or this time, and also with the virtuous and well-learned priests, (as they were esteemed) of whose reports ye were informed by them which heard them speak; or ye would also have been minded to see the book of her revelations, which was offered you, of which ye might have had more trial of her and of her revelations, than of a hundred communications with her, or of as many sendings of your chaplains unto her. As for the late lord of Canterbury's saying unto you, that she had many great visions, it ought to move you never a deal to give credence unto her or her revelations; for the said lord knew no more certainty of her or of her revelations, than ye did by her own report. And as touching the saying of Amos the prophet, I think verily the same moved you but a little to hearken unto her; for sithe the consummation and the end of the Old Testament, and sithens the passion of Christ, God hath done many great and notable things in the world, whereof he shewed nothing to his prophets that hath come to the knowledge of men.

My lord, all these things moved you not to give credence unto her, but only the very matter whereupon she made her false prophecies; to which matter ye were so affected, as ye be noted to be on all matters which ye enter once into, that nothing could come amiss that made for that purpose.

And here I appeal your conscience, and instantly desire you to answer. Whether if she had shewed you as many revela-

tions for the confirmation of the king's grace's marriage, which he now enjoyeth, as she did to the contrary, ye would have given as much credence to her as ye have done, and would have let the trial of her and her revelations, to overpass this many years, where ye dwelt not from her but twenty miles in the same shire where her trances, and diffigurings, and prophecies in her trances were surmised, and counterfeited. And if percase ye will say (as is not unlike but ye will say, minded as ye were wont to be) that the matter be not like, for the law of God, in your opinion, standeth with the one and not with the other: surely, my lord, I suppose there had been no great cause more to reject the one than the other: for ye know by scriptures of the Bible, that God may by his revelation dispense with his own law, as with the Israelites spoiling the Egyptians, and with Jacob to have four wives, and such other.

Think you, my lord, that any indifferent man, considering the quality of the matter, and your affections, and also the negligent passing over of such lawful trials as ye might have had of the said maiden, and her revelations, is so dull, that cannot perceive and discern that your communing, and often sending to the said maid, was rather to hear and bruit more of her revelations, than to try out the truth or falshood of the same? and in this behalf, I suppose, it will be hard for you to purge yourself before God, or the world, but that ye have been in great default in hearing, believing, and concealing such 126
things as tended to the destruction of the prince; and that her revelations were bent and purposed to that end, it hath been duly proved afore as great assembly and council of the lords of this realm, as hath been seen many years heretofore out of a parliament. And what the said lords deemed them worthy to suffer, which said, heard, believed, and concealed those false revelations, be more terrible than any threats spoken by me to your brother.

[fol. 87] And where ye go about to defend, that ye be not to be blamed for concealing her revelations concerning the king's grace, because ye thought it not necessary to rehearse them to his highness, for seven causes following in your letters; afore I shew you my mind concerning these causes, I suppose that albeit ye percase thought it not necessary to be shewed to

the prince by you, yet that your thinking shall not be your trial, but the law must define whether ye oughted to utter it or not.

And as to the first of said seven causes; albeit she told you that she had shewed her revelations concerning the king's grace to the king herself; yet her saying, or others, discharged not you, but that ye were bound, by your fidelity, to shew to the king's grace that thing which seemed to concern his grace and his reign so nighly: for how knew you that she shewed these revelations to the king's grace, but by her own saying, to which ye should have given no such credence as to forbear the utterance of so great matters concerning a king's weal? and why should you so sinisterly judge the prince, that if ye had shewed these same unto him, he would have thought that ye had brought that tale unto him, more for the strengthening and confirmation of your opinion, than for any other thing else. Verily, my lord, whatsoever your judgment be, I see daily such benignity and excellent humanity in his grace, that I doubt not but his highness would have accepted it in good part, if ye had shewed the same revelations unto him, as ye were bounden by your fidelity.

To the second cause. Albeit she shewed you not that any prince, or other temporal lord should put the king's grace in danger of his crown; yet there were ways enough by which her said revelations might have put the king's grace in danger, as the foresaid council of lords have substantially and duly considered: and therefore albeit she shewed you not the means whereby the danger should ensue to the king, yet ye were nevertheless bounden to shew him of the danger.

To the third. Think you, my lord, that if any person would come unto you, and shew you, that the king's destruction were conspired against a certain time, and would fully shew you that he were sent from his master to shew the same to the king, and will say further unto that, he would go straight to the king; were it not yet your duty to certify the king's grace of this revelation, and also to enquire whether the said person had done his foresaid message or no? Yes verily, and so were ye bound, though the nun shewed you it was her message from God to be declared by her to the king's grace.

To the fourth. Here ye translate the temporal duty that

ye owe to your prince, to the spiritual duty of such as be bound to declare the word of God to the people, and to shew unto them the ill and punishment of it in another world; 127
the concealment whereof pertaineth to the judgment of God, but the concealment of this matter pertaineth to other judges of this realm.

To the fifth. There could no blame be attested to you, if ye had shewed the nun's revelations to the king's grace, albeit they were afterward found false, for no man ought to be blamed doing his duty: and if a man would shew you secretly, that there were a great mischief intended against the prince, were ye to be blamed if ye shewed him of it; albeit it were a feigned tale, and the said mischief were never imagined?

To the sixth. Concerning an imagination of master Pary, it was known that he was beside himself, and therefore they were not blamed that made no report thereof; but it was not like in this case, for ye took not this nun for a mad woman, for if ye had, ye would not have given unto her so great credence as ye did.

To the final, and seventh cause; where ye lay unto the charge of our sovereign that he hath unkindly entreated you with grievous words, and terrible letters, for shewing his grace truth in his great matter, whereby ye were discomforted to shew unto him the nun's revelations: I believe that I know the king's goodness, and natural gentleness so well, that his grace would not so unkindly handle you, as ye unkindly wrote of him, unless ye gave him other causes than be expressed in your letters. And whatsoever the king's grace hath said or written unto you heretofore, yet that notwithstanding, ye were nevertheless bounden to utter to him those pernicious revelations.

Finally; where ye desire, for the passion of Christ, that ye be no more quickened[85] in this matter, for if ye be put to that strait, ye will not lose your soul, but ye will speak as your conscience leadeth you, with many more words of great courage. My lord, if ye had taken my counsel sent unto you by your brother, and followed the same, submitting yourself, by your

[85] [This word is in the original variously spelt, *quyckkrane* and *quykkrand*.]

letters, to the king's grace, for your offences in this behalf, I would have trusted that ye should never be quickened in this matter more. But now, where ye take upon you to defend the whole matter, as ye were in no default, I cannot so far promise you. And surely, my lord, if the matter come to trial, your own confession in this letter, besides the witness which be against you, will be sufficient to condemn you: wherefore, my lord, I will eftsoons advise you, that laying apart all such excuses as ye have alleged in your letters, which in my opinion be of small effect, as I have declared, ye beseech the king's grace, by your letters, to be your gracious lord, and to remit unto you your negligence, oversight, and offence, committed against his highness in this behalf; and I dare undertake that his highness shall benignly accept you into his gracious favour, all matters of displeasure past afore this time forgotten and forgiven. As touching the speaking of your conscience, it is thought that ye have written and spoken as much as ye can, and many things, as some right probably believe, against your own conscience: and men report, that at the last convocation, ye spake many things which ye could not well defend; and therefore it is not greatly feared what ye can say or write in that matter, howsoever ye be quickened and startled. And if ye had taken, &c.[86]

[86] [Here the MS. which is very illegible ends abruptly. Several original letters from Fisher to Cromwell and the king exist in the Cotton MSS. Vesp. F. xiii. fol. 154. and Cleop. E. vi. fol. 161 sqq. The latter volume contains also some other documents relating to the same subject. His letter to the house of lords has been printed from Cleop. E. vi. fol. 166, by Collier, (vol. ii. p. 87.) and more correctly by Ellis in the Third Series of Original Letters, vol. ii. p. 289. It is without date, but must have been written before March 6, 1534, on which day the lords had received it. See Journals of Lords, p. 72. Most of the other documents in these volumes have been printed in the appendix to Strype's Life of Cranmer, numbers ix, x, xi, and in Archæologia, vol. xxv. pp. 89–99.]

Number L. [p. 155.] 128

A renunciation of the pope's supremacy signed by the heads of six religious houses.

[Rot. Claus. 26. Henr. 8. m. 15. d. ap. Rymer, tom. xiv. p. 489.]

QUUM ea sit non solum Cristianæ religionis et pietatis ratio, sed nostræ etiam obedientiæ regula, ut domino nostro Henrico, ejus nominis Octavo, cui uni et soli post Cristum Jesum Servatorem nostrum debemus omnia, non modo omnimodam in Christo, et eandem sinceram integram perpetuamque animi devotionem, fidem, observantiam, honorem, cultum, reverentiam præstemus, sed etiam de eâdem fide et observantiâ nostrâ rationem quotienscunque postulabitur reddamus, et palam omnibus si res poscat libentissime testemur:

Noverint universi ad quos præsens scriptum pervenerit, quod nos priores et conventus fratrum, videlicet prædicatorum Langeley Regis ordinis Sancti Dominici, Minorum de Alisbury ordinis Sancti Francisci, prædicatorum Dunstopliæ ordinis antedicti, Minorum de Bedford ordinis Sancti Francisci, fratrum Carmelitarum de Hechynge ordinis Beatæ Mariæ, Minorum de Ware ordinis Sancti Francisci, uno ore et voce, atque unanimi omnium et singulorum consensu et assensu, hoc scripto nostro sub sigillis nostris communibus, in domibus nostris capitularibus dato, pro nobis et successoribus nostris omnibus et singulis, imperpetuum profitemur, testamur ac fideliter promittimus et spondemus, nos dictos priores et conventus et successores nostros, omnes et singulos, integram, inviolatam, sinceram perpetuamque fidem observantiam et obedientiam semper præstaturos erga dominum regem nostrum Henricum Octavum, et erga serenissimam reginam Annam uxorem ejusdem, et erga castum sanctumque matrimonium nuper non solum inter eosdem juste et legittime contractum, ratum et consummatum, sed etiam tam in duabus convocationibus cleri, quam in parliamento dominorum spiritualium et temporalium atque communium in eodem parliamento congregatorum et præsentium determinatum, et per Thomam Cantuariensem Archiepiscopum solemniter confirmatum, et erga quamcumque aliam ejusdem Henrici regis nostri uxorem, post mortem prædictæ Annæ nunc uxoris suæ

legittime ducendam, et erga sobolem dicti domini regis Henrici ex prædictâ Annâ legittime tam progenitam quam progenerandam, et erga sobolem dicti domini regis ex aliâ quâcumque legittimâ uxore post mortem ejusdem Annæ legittime progenerandam, et quod eadem populo notificabimus, prædicabimus et suadebimus, ubicumque dabitur locus et occasio.

Item, quod confirmatum, ratumque habemus semperque perpetuo habituri sumus, quod prædictus rex noster Henricus est CAPUT ECCLESIÆ ANGLICANÆ.

Item, quod episcopus Romanus, qui in suis bullis papæ nomen usurpat et summi pontificis principatum sibi arrogat, nihilo majoris neque auctoritatis aut jurisdictionis habendus sit, quam cæteri quivis episcopi in Angliâ vel alibi in suâ quisque diœcese.

Item, quod soli dicto domino regi et successoribus suis adhærebimus, atque ejus decreta et proclamationes, insuper omnes Angliæ leges atque etiam statuta omnia, in parliamento et per parliamentum decreta, confirmata, stabilita et ratificata, perpetuo manutenebimus, Episcopi Romani legibus, decretis et canonibus, si qui contra legem divinam et sacram scripturam esse invenientur, imperpetuum renunciantes.

Item, quod nullus nostrûm omnium in ullâ vel privatâ vel
129 publicâ concione quicquam ex sacris scripturis desumptum ad alienum sensum detorquere præsumet, sed quisque Christum ejusque verba et facta simpliciter sincere aperte et ad normam seu regulam sacrarum Scripturarum et vere Catholicorum atque orthodoxorum doctorum prædicabit catholice et orthodoxe.

Item, quod unusquisque in suis orationibus et comprecationibus de more faciendis, primum omnium regem, tanquam SUPREMUM CAPUT ECCLESIÆ ANGLICANÆ, Deo et populi precibus commendabit; deinde reginam cum suâ sobole, tum demum archiepiscopum Cantuariensem cum cæteris cleri ordinibus, prout videbitur.

Item, quod omnes et singuli prædicti priores et conventus nos et successores nostros, conscientiæ et jurisjurandi sacramento firmiter obligamus, quod omnia et singula prædicta fideliter et imperpetuum observabimus.

In cujus rei testimonium huic instrumento, vel scripto nostro,

communia sigilla nostra appendimus, et nostra nomina propriâ quisque manu subscripsimus,

Dat. in domibus nostris capitularibus, die quinto mensis Maii, anno Christi millesimo quingentesimo trigesimo quarto, et regni vero regis nostri Henrici Octavi vicesimo sexto.

Ego frater Richardus Jugerth prior conventûs, prædicatorum Langley Regis, cum assensu omnium fratrum conventûs prædicti, non coactus sed sponte subscribo.

Ego frater Johannes Vyall, sacræ theologiæ doctor conventûs Bedfordiæ una cum assensu omnium fratrum, sponte hoc scribo et non coactus.

Ego frater Edwardus Tyley sacræ theologiæ buchularius, et conventûs Alisburiæ, cum assensu omnium fratrum conventûs prædicti, non coactus sed sponte subscribo.

Ego frater Joannes Butler, prior conventûs Carmelitarum Hichingiæ, cum assensu omnium fratrum conventûs prædicti, non coactus sed sponte subscribo.

Ego frater Johannes Coton, prior prædicatorum Dunstabliæ, cum assensu omnium fratrum conventûs prædicti, non coactus sed sponte subscribo.

Ego frater Thomas Chapman, sacræ theologiæ bachularius, scilicet immerito conventûs Ware[87], Gardianus cum assensu omnium fratrum, meâ sponte subscribo.

[Rymer, xiv. 491.] *Another declaration to the same purpose*, mutatis mutandis, *is made by the prioress of Bedford*[88] *in Kent, of the order of St. Dominic, May* 4. 1534. regn. vicesimo sexto. Rot. Clausa.

[87] [The author mistook this for *Mare* which is the name he gives in the History, p. 155.]

[88] [The author calls this *Deptford* in the History, p. 155. It ought to be *Dartford*, and the order is of St. Augustine, not, as he states, of St. Dominic.]

130 Number LI. [p. 157.]

A mandate for the consecration of a suffragan bishop.

Rot. Pat. 2. Par. 27 regni.

REX reverendissimo in Christo patri et prædilecto consiliario nostro Thomæ Cantuariensi archiepiscopo salutem. [Rymer, xiv. p. 559. Pat. 27. H. 8. par. 2. m. 19.]

Reverendus pater et dilectus consiliarius noster Richardus Norwicensis episcopus nobis significavit, quod diœcesis sua episcopi suffraganei solatio, qui suæ solicitudinis partem sustinere consuevit, destituta est et existit; et ideo reverendos patres Georgium abbatem monasterii beatæ Mariæ de Leyston, et Thomam Mannynge priorem monasterii beatæ Mariæ de Butley, Norwicensis diœcesis ordine sacerdotali rite insignitos, de legittimo matrimonio natos, et in ætate legittimâ constitutos, virosque in spiritualibus et temporalibus multum circumspectos, quibus de canonicis nihil obviat institutis, quo minus (ut asseruit) ad episcopalem suffraganei dignitatem admitti possint et deberent, nobis per suas literas suo magno sigillo munitas præsentavit, humiliter et devote supplicans, quatenus nos alterum ipsorum sic præsentatorum ad aliquam sedem episcopi suffraganei infra provinciam Cantuariensem existentem nominare, ipsique sic nominato stilum, titulum et dignitatem hujusmodi sedis donare dignaremur;

Unde nos ex gratiâ nostrâ speciali et mero motu nostris, dictum reverendum patrem Thomam Mannynge priorem monasterii beatæ Mariæ de Butley prædicti, alterum ex dictis præsentatis, in episcopi suffraganeum sedis Gipwici Norwicensi diœcese antedictâ, nominamus, eique stilum, titulum et dignitatem ejusdem sedis episcopi suffraganei damus et conferrimus. Atque hæc vobis tenore præsentium, significamus,

Requirentes vos, quatenus eundem patrem sic per nos nominatum, in episcopum suffraganeum ejusdem sedis Gipwici consecratis, eique benedictionem ac omnia episcopalia insignia conferetis; cæteraque omnia et singula quæ vestro in hâc parte

incumbunt officio pastorali, juxta modum et formam statuti parliamenti in vicesimo sexto anno regni nostri apud Westmonasterium nuper editi peragetis.

Teste rege apud Westmonasterium septimo die Martii,

Per breve de privato sigillo.

[Loca pro sedibus suffraganeorum in jam dicto parliamento specificata sequuntur; videlicet,

Thetford.	Shrewsbury.
Ipswich.	Bristol.
Colchester.	Penreth.
Dover.	Bridgwater.
Gilford.	Notingham.
Southampton.	Grantham.
Taunton.	Hull.
Shaftesbury.	Huntingdon.
Molton.	Cambridge.
Marleborow.	Pereth.
Bedford.	Barwic.
Leycester.	Saint German's in Cornwall.
Gloucester.	Isle of Wight.]

AD LIBRUM TERTIUM.

Number I. [p. 184.]

Instructions for the general visitation of the monasteries. Cotton lib. E. iv. [fol. 13.]

Articuli regiæ Inquisitionis in monasticam vitam agentes exponendi, et præcipue in exemptos a Jurisdictione diocesanâ, jam tantum regiæ majestati et ejus jurisdictioni subditos et subjectos, ac hujus incliti sui regni Statutis et legibus, nullisque aliis penitus, obnoxios et astrictos.

1. *In primis;* Whether divine service be solemnly sung, said, observed, and kept in this monastery, accordingly to the number and the abilities thereof, by night and by day, in due time and hours? and how many be present commonly at mattins, and other service, and who be absent, and so accustomed to be, without cause or sickness?
2. *Item;* How many monks, canons regulars or nuns, be within this monastery, and how many there ought to be, and whether the number be complete according to the founder's will, or the statutes, ordinances, and laudable custom of this house; and whether the number be augmented or diminished now of late?
3. *Item;* Who were the first founders of this house?

   Fundacionem primam, secundam, tertiam, et quotquot habent, exhibeant.

4. *Item;* Whether this house hath had any increase of lands given to it sithence the first foundation thereof? by whom? by how many? and when?

5. *Item;* To what sum of money the whole revenues and rents of this house doth extend and amount unto yearly?

6. *Item;* Whether this house was ever translate from one habit and order to another? by whose authority? and for what cause?

Translationem exhibeant.

7. *Item;* How the lands and possessions appertaining unto this monastery, given by the first founder, and all other lands given sithence the first foundation, were granted, given, and established, and so first brought to mortmain? whether by the only authority of the giver, or by the authorization of the prince for that time reigning, and by what tenor and form ye hold them?

Donationem et confirmacionem exhibeant.

8. *Item;* What evidence have ye to shew for all and singular your lands, manors, tenements, and other your possessions mortisate, and given unto you, and this your monastery?

9. *Item;* Wherefore, for what causes and considerations ye were exempt from your diocesan? and what was your suggestion and motive at the obtaining of your said exemption? 132

Exemptionem exhibeant.

10. *Item;* Whether ye have any private, peculiar, or local statutes, confirmations, ordinances, or rules, made only for the behoof, good order, and singular weal of this house, besides the rules of your profession? and whether they were made either by your founders before your exemption, or by the good fathers of this house, with the whole consent of the brethren, then being sithence your exemption: to what use they were made, and how ye observe them?

Statuta illa localia, et alia quotquot habent, exhibeant.

11. *Item;* By what way and form the master of this house was elected and chosen? and whether all the brethren having, or ought to have by the law, statutes, or laudable custom of this house, voices in the election, were present in the same election, or lawfully called or cited to it? [fol. 14.]

12. *Item;* Whether any persons excommunicate, suspended, or interdicted, did give voices in the same election?

13. *Item;* Within what time after the election was made and done, the master of this house was confirmed? and by whom?

14. *Item;* Whether unto the confirmation, all that had interest, or that would object against the same, were lawfully cited, monished, and called?

Exhibeat electionem, confirmacionem et titulum suæ Incumbentiæ.

15. *Item;* What rule the master of this house, and other the brethren, do profess?

16. *Item;* How many be professed, and how many be novices; and whether the novices have like habit, or use to wear an habit distinct from the habit of the brethren professed?

17. *Item;* Whether ye do use to profess your novices in due time, and within what time and space after they have taken the habit upon them?

18. *Item;* Whether the brethren of this house do know the rule that they have professed, and whether they keep their profession according to that their rule, and custom of this house; and in especial, the three substantial and principal vows, that is to say, *poverty*, *chastity*, and *obedience?*

19. *Item;* Whether any of the brethren use any propriety of money, or of plate, in their chambers: or of any other manner thing unware of the master, and without his knowledge and licence, or by his sufferance and knowledge? and for what cause?

20. *Item;* Whether ye do keep chastity, not using the company of any suspect woman within this monastery or without? And whether the master, or any brother of this house be suspected upon incontinency, or defamed for that he is much conversant with women?

21. *Item;* Whether women useth and resorteth much to this monastery by back ways, or otherwise? and whether they be accustomably, or at any time lodged within the precinct thereof?

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22. *Item;* Whether the master, or any brother of this house, useth to have any boys or young men lying with him?

23. *Item;* Whether the brethren of this house keep their obedience, being ready at their master's commandment, in all things honest, lawful, and reasonable?

Sequuntur regulæ cerimoniales.

24. *Item;* Whether ye do keep silence in the church, cloister, fraitry, and dormitory, at the hours and time specified in your rule?

25. *Item;* Whether ye do keep fasting and abstinence, according to your rules, statutes, ordinances, and laudable customs of this house?

[fol. 15.] 26. *Item;* Whether ye abstain from flesh in time of Advent, and other times declared and specified by the law, rules, and laudable customs of this house?

27. *Item;* Whether ye wear shirts and sheets of wool, or that ye have any constitution, ordinance, or dispensation, granted or made to the contrary, by sufficient and lawful authority?

Profitentes regulam Benedicti quam arctissime tenentur ad prædicta cerimonialia observanda.

28. *Item;* Whether ye do sleep all together in the dortre, under one roof, or not?

29. *Item;* Whether ye have all separate beds, or any one of you doth lie with another?

30. *Item;* Whether ye do keep the fraitry at meals, so that two parts, or the least, the more part of the whole convent be always there, unless the master at any one time dispense with you to the contrary?

31. *Item;* Whether ye do wear your religious habit continually, and never leave it off, but when ye go to bed?

32. *Item;* Whether any brethren of this house have lightly departed hence, and hath gone to any other house of like order and profession, without special letters and licence of their master?

33. *Item;* Whether the master and brethren of this house have received and admitted any brother of another house, without special licence and letters of his master and head?

34. *Item;* Whether any of you, sithence the time of your

profession, hath gone out of this house to his friends, or otherwise?

35. *Item;* How oft-times he did so, and how long at every time ye tarried forth?

36. *Item;* Whether ye had special licence of your master so to go forth, or not?

37. *Item;* Whether at any time of your being forth, ye changed or left off your habit, or any part thereof?

38. *Item;* Whether ye, or any of you be, or hath been in manifest apostasy, that is to say, fugitives or vagabonds?

39. *Item;* For what cause or occasion ye have so gone forth and been in apostasy? and whether the cause of your going forth was by reason of the great cruelty of your master, or by his negligence, not calling you home to your cloister?

134 40. *Item;* Whether ye be weekly shaven, and do not nourish or suffer your hair to be long? and whether ye wear your apparel according to your rule, not too excessive, nor too exquisite; and in like wise the trappors and apparel of your horses, and other your bearing beasts?

41. *Item;* Whether the master and head of this house do use his brethren charitably, without partiality, malice, envy, grudge, or displeasure more shewed to one than to another?

42. *Item;* Whether he do use his disciplines, corrections, and punishments upon his brethren, with mercy, pity, and charity, without cruelty, rigorousness, and enormous hurt, no more favouring one than another? [fol. 16.]

43. *Item;* Whether any brother, or religious person of this house, be incorrigible?

44. *Item;* Whether the master of this house do use his brethren charitably when they be sick and diseased? and whether in time of their sickness he do procure unto them physicians, and all other necessaries?

45. *Item;* Whether he make his accompts (as he ought to do) once every year before his brethren, and chiefly the seniors and officers, to the intent they may be made privy to the state and condition of the house, and know perfectly the due administration thereof?

46. *Item;* Whether the prior, tesprior, sellerer, kitchener, terrure, sacristen, or any such-like officer, having administration of any manner revenues of this house, do make his true and whole accompt, according as he is bound to do, not applying any thing by him received to his own proper use or commodity?

47. *Item;* Whether any religious person of this house do bear, occupy, or exercise more offices than one, for, and to his own singular commodity, advantage, or profit, by the partial dealing of the master?

48. *Item;* Whether all and singular the revenues and profits of this house be converted and employed to the behoof and use thereof, and of the brethren, and according to the founder's mind and giver?

49. *Item;* Whether the master do make sufficient reparations upon this monastery, as the church and all other housing thereto adjoined, and also upon all other the lands, granges, farms, and tenements belonging to the same, and whether he suffer any dilapidation, decay, or ruin in any part of them?

50. *Item;* Whether there be any inventory made of all and singular the moveable goods, which from time to time have been, and yet be in this house, as of the jewels, reliques, ornaments, vestments, ready money, plate, bedding, with other utensils: also of corn, catalls and other commodities, to the intent the state and condition of this house may be always known?

51. *Item;* That ye express truly and sincerely the whole state and condition of this house, as in money, plate, catall, corn, and other goods?

52. *Item;* Whether this monastery be indebted? to whom? and for what cause?

53. *Item;* Whether any of the lands be sold, or morgaged; and for what sums?

54. *Item;* Whether any be letten to farm by the master of this house for term of years, and for how many years? and specially whether they be letten for small sums, or for less sums than they were wont to be letten for, to the intent to have great sums of ready money before hand?

[fol. 17.]

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55. *Item;* Whether he do enforce, compel, or constrain his

brethren, or any of them, to consent to the sealing of any leases, grants, farm-holds, annuities, corrodies, or any other alienations?

56. *Item;* Whether the plate and jewels, or any part or parcel thereof or of any other moveable goods of this house be laid to pledge, sold, or alienated for a time, or for ever? for what cause, and to whom? or otherwise embezzled, or consumed?

57. *Item;* Whether the master of this house be wont to give under his seal of office, or convent-seal, farms, corrodies, annuities, or offices, to his kinsfolk, alliances, friends, or acquaintance, for term of years, or otherwise, to the hurt, hindrance, damage, and impoverishment of this house?

58. *Item;* Whether he be wont to grant any patent, or convent-seal, without the consent of his brethren?

59. *Item;* Whether the convent-seal of this house be surely and safely kept under three keys; that is to say, one remaining and being in the custody of the master, and the other two in the custody of two seniors?

60. *Item;* Whether the muniments and evidences of the lands, rents, and revenues of this house, be safely kept from vermin and moistness?

61. *Item;* Whether the master do keep hospitality according to the ability of this house, and in like manner as other fathers thereof have done heretofore?

62. *Item;* Whether the master of this house, in receiving any novice, being of will and toward mind to enter into religion, hath demanded or received, or convented to receive any money, rewards, or any other temporal commodities of him so entering, or willing to enter, or of any other his friends? and whether for not promising, granting, or giving such rewards or gifts, any hath been repelled and not received?

63. *Item;* Whether the novices, and other received into religion, have a preceptor and master deputed unto them to teach them grammar and good letters?

64. *Item;* Whether any senior of this house be deputed to declare, inform, and instruct them their rules, and where-

unto they shall be bounden to observe and keep, after their profession?

65. *Item;* Whether any of you have taken upon him the habit and profession of your religion, chiefly for the intent, hope, or trust to be made head and master of this house?

66. *Item;* Whether the master of this house, in giving any advocation, nomination, presentation, or collation of any parsonage, vicarage, chapel, or benefice of the patronage
[fol. 18.] and gift of this house, do take, or use to take any manner pension, portion, or other commodity or gains; other else doth make any convention or compaction, whereby any lucre may ensue to him in that behalf?

67. *Item;* Whether he do receive, or use to receive, the fruits and revenues of any such benefice vacant, or use to borrow any money of him to whom he intendeth to give such benefice unto, expressly covenanting or intending, 136
that he so obtaining the said benefice, shall freely and clearly remit the said money so borrowed?

68. *Item;* What, and how many benefices the master of this house doth occupy and keep in his own hands?

69. *Item;* Whether the same benefices be appropriate and united to this house by sufficient authority?

70. *Item;* Whether the master of this house do make distributions amongst the parishioners of the benefices appropriate, and do keep and observe all and singular other provisions and ordinances specified and expressed in the appropriations of the same benefices?

Exhibeant omnes et singulas appropriaciones, una cum ordinacionibus et dotacionibus vicariarum.

71. *Item;* Whether he do promote unto such benefices, as be of his gift, sufficient and able persons in learning, manners, and virtue?

72. *Item;* Whether any brother of this house do serve any parish-church, being appropriate and united to the same, and how many churches appropriate be so served?

73. *Item;* Whether the master of this house hath and pos-

sesseth any benefice with cure, or any other dignity with his abbey?

Si aliquod tale habeat, dispensationem exhibeat.

74. *Item;* Whether the master of this house at any time sithence he was first made abbot, or master, did know or believe that he was suspended, or excommunicate, either by the law, or by any judge; and whether he knowing or supposing himself so to be, did sing mass in the mean time, and before he was absolved?

In visitacione monialium ad præmissa addantur hæc.

75. *Item;* Whether this monastery hath good and sufficient enclosure, and whether the doors and windows thereof be diligently kept shut, so that no man can have entry into the same, or any part thereof, at inconvenient times?

Perquam necessarium erit visitatori circuire monasterium, ac videre et rimare dispositionem ædificiorum, et an sint aliqua loca pervia per quæ secrete intrari possit; et ut una secum habeat abbatissam cum duabus aut tribus senioribus monialibus a quibus tum interroget, an hostia monasterii singulis quibusque noctibus sub clavibus clausa teneantur, et quæ earum monialium senio confectarum, vel an abbas ipsa clavium custodiam tempore nocturno habeat et teneat: nam non est tutum clavium custodiam junioribus committere.

76. *Item;* Whether strangers, both men and women, useth [fol. 19.] commonly to have communication with the sisters of this house, without licence of the abbess or prioress, specially in secret places, and in the absence of their sisters?

137 77. *Item;* Whether any sister of this house were professed by any manner of compulsion of her friends or kinsfolk, or by the abbess or prioress?

78. *Item;* Whether any of the sisters of this house useth to go forth any whither out of the precinct thereof, without special licence of their abbess or prioress?

79. *Item;* Whether every sister doth use her habit continually out of her cell?

80. *Item;* Wherein every one of you occupieth herself, beside the time of divine service?

81. *Item;* Whether any sister of this house hath any familiarity with religious men, secular priests, or laymen, being not nigh of kin unto them?

82. *Item;* Whether any sister of this house hath been taken and found with any such accustomably so communing, and could not shew any reasonable cause why they so did?

83. *Item;* Whether any of you doth use to write any letters of love, or lascivious fashion to any person, or receive any such, or have any privy messengers coming and resorting unto you, or any of you, with tokens or gifts, from any manner secular person or other?

84. *Item;* Whether any of you doth use to speak with any manner of persons, by night or by day, by grates or back windows, or other privy places within this monastery, without licence of your head?

85. *Item;* Whether the confessor of this house be a discreet man, of good learning, virtue, and honest behaviour, of good name and fame, and whether he hath been always so taken?

86. *Item;* How oft times in the year the sisters of this house useth to be confessed and communicate?

Restat pro ecclesiis collegiatis, hospitalibus, ecclesiis cathedralibus, parochialibus ecclesiis, episcopo, et archiepiscopo, pro ordine Jerosolamitanorum?

Exhibeantur omnia scripta, munimenta, instrumenta inventaria, scedulæ quæcunque unde aliquid cognitionis eorum reformationi aut monasteriorum, sive domorum utilitati, necessariæ expiscari, aut quoquo modo colligi possit.

Number II. [p. 185.]

General injunctions to be given on the king's highness' behalf in all monasteries and other houses, of whatsoever order or religion they be.

FIRST; That the abbot, prior, or president, and other brethren of the place that is visited, shall faithfully, truly, and heartily, keep and observe, and cause, teach, and procure to be kept, and observed of other, as much as in them may lie, all and singular contents, as well in the oath of the king's highness' succession, given heretofore by them, as in a certain profession lately sealed with the common seal, and subscribed
138 and signed with their own hands: also that they shall observe and fulfil, by all the means that they best may, the statutes of this realm, made or to be made, for the extirpation and taking away of the usurped and pretensed jurisdiction of the bishop of Rome within this realm: and for the assertion and confirmation of the authority, jurisdiction, and prerogative of our most noble sovereign lord the king, and his successors; and that they shall diligently instruct their juniors and youngers, and all other committed to their cure, that the king's power is by the laws of God most excellent of all other under God in earth; and that we ought to obey him afore all other powers, by God's prescript; and that the bishop of Rome's jurisdiction or authority heretofore usurped, by no means is founded or established by holy scripture: but that the same, partly by the craft and deceit of the same bishop of Rome, and by his evil and ambitious canons and decretals; and partly by the toleration and permission of princes, by little and little hath grown up; and therefore now, of most right and equity, is taken away, and clean expelled out of this realm. Cotton lib. Cleop. E. iv. [fol. 21.]

Also, that the abbot, prior, or president and brethren, may be declared, by the king's supreme power and authority ecclesiastical, to be absolved and loosed from all manner obedience, oath and profession by them heretofore perchance promised, or made to the said bishop of Rome, or to any other in his stead,

or occupying his authority, or to any other foreign power, or person: and nevertheless let it be enjoined to them, that they shall not promise or give such oath or profession to any such foreign potentate hereafter. And if any statutes of the said order religious, or place, seem to bind them to obedience, or subjection, or any other recognizance of superiority to the said bishop of Rome, or to any other foreign power, potentate, person or place by any ways: such statutes, by the king's grace's visitors, be utterly annihilate, broken, and declared void and of none effect; and that they be in no case bounden or obligate to the same, and such statutes be forthwith utterly put forth and abolished out of the books or muniments of that religion, order or place, by the president and his brethren.

Also, that no monk, or brother of this monastery, by any means go forth of the precinct of the same.

Also, that women, of what state or degree soever they be, be utterly excluded from entering into the limits or circuit of this monastery, or place, unless they first obtain licence of the king's highness, or his visitor.

Also, that there be no entering into this monastery but one, and that by the great fore-gate of the same, which diligently shall be watched and kept by some porter specially appointed for that purpose, and shall be shut and opened by the same both day and night, at convenient and accustomed hours; which porter shall repel all manner women from entrance into the said monastery.

[fol. 22.] Also, that all and singular brethren, and monks of this monastery, take their refections all together in a place called the *misericorde*, such days as they eat flesh, and all other days in their refectory; and that at every mess there sit four of them, not of duty demanding to them any certain, usual, or accustomed duty or portion of meat as they were wont to do; but that they be content with such victual as is set before them, and there take their refections soberly, without excess, with giving due thanks to God; and that at every such refection, 139
some chapter of the New Testament, or Old, by some of the said brethren, be read and recited to the other, keeping silence, and giving audience to the same.

Also, that the abbot and president do daily prepare one table for himself and his guests thither resorting, and that not over

sumptuous, or full of delicate and strange dishes, but honestly furnished with common meats; at which table, the said abbot, or some senior in his stead, shall sit to receive, and gentilly entertain the strangers, the guests.

Also, that none of the brethren send any part of his meat, or the leavings thereof to any person; but that there be assigned an almoner, which shall gather the leavings, both of the convent and strangers' tables, after that the servants of the house have had their convenient refections, and distribute the same to poor people; amongst whom special consideration be had of such, before other, as be kinsfolk to any of the said brethren, if they be of like power and debility as other be; and also of those which endeavour themselves, with all their will and labour, to get their living with their hands, and yet cannot fully help themselves for their chargeable household, and multitude of children: yet let not them be so cherished, that they shall leave labour and fall to idleness: with consideration also specially to be had of them, which by weakness of their limbs and body be so impotent that they cannot labour; and by no means let such alms be given to valiant mighty and idle beggars and vagabonds, as commonly use to resort about such places; which rather as drove-beasts and mychers, should be driven away and compelled to labour, than in their idleness and lewdness, against the form of the king's grace's statute in this behalf made, cherished and maintained, to the great hindrance and damage of the common-weal.

Also, that all other almses or distributions due, or accustomed to be made, by reason of the foundation, statutes, or custom of this place, be made and given, as largely and as liberally as ever they were at any time heretofore.

Also, that the abbot, prior, or president, shall find wood and fuel sufficient to make fire in the refectory, from All-hallow-even to Good-Friday.

Also, that all the brethren of this house, except the abbot, and such as be sick, or evil at ease, and those that have fulfilled their jubilee, lie together in the dormitory, every one by himself, in several beds.

Also, that no brother, or monk, of this house, have any child or boy lying, or privily accompanying with him, or otherwise haunting unto him, other than to help him to mass.

Also, that the brethren of this house, when they be sick, or evil at ease, be seen unto, and be kept in the infirmary duly, as well for their sustenance of meat and drink, as for their good keeping.

[fol. 23.] Also, that the abbot, or president, keep and find in some university, one or two of his brethren, according to the ability and possessions of this house; which brethren, after they be learned in good and holy letters, when they return home, may instruct and teach their brethren, and diligently preach the word of God.

Also, that every day, by the space of one hour, a lesson of 140
holy scripture be kept in this convent, to which all, under pain by the said president to be moderate, shall resort; which president shall have authority to dispense with them, that they may with a low and treatable voice, say their long hours, which were wont to be sung.

Also, that the brethren of this house, after divine service done, read or hear somewhat of holy scripture, or occupy themselves in some such like honest and laudable exercise.

Also, that all and every brethren of this house shall observe the rule, statutes, and laudable customs of this religion, as far as they do agree with holy scripture and the word of God. And that the abbot, prior, or president of this monastery, every day shall expound to his brethren, as plainly as may be, in English, a certain part of the rule that they have professed, and apply the same always to the doctrine of Christ, and not contrariwise; and he shall teach them, that their said rule, and other their principles of religion (so far as they be laudable) be taken out of holy scripture; and he shall shew them the places from whence they were derived; and that their ceremonies, and other observances of religion, be none other things than as the first letters or principles, and certain introductions to true Christianity, or to observe an order in the church. And that true religion is not contained in apparel, manner of going, shaven heads, and such other marks; nor in silence, fasting, up-rising in the night, singing and such other kind of ceremonies, but in cleanness of mind, pureness of living, Christ's faith not feigned, and brotherly charity, and true honouring of God in spirit and verity. And that those above-said things were institute and begun, that they being first exercised in those, in

process of time might ascend to those as by certain steps, that is to say, to the chief point and end of religion: and therefore let them be diligently exhorted, that they do not continually stick and consist in such ceremonies and observances, as though they had perfectly fulfilled the chief and outmost of the whole true religion; but that when they have over past such things, they endeavour themselves to higher things, and convert their minds from such external matters, to more inward and deeper considerations, as the law of God and Christian religion doth teach and shew. And that they assure not themselves of any reward or commodity any ways, by reason of such ceremonies and observances, except they refer all such to Christ, and for his sake observe them; and for that they might thereby the more easily keep such things as he hath commanded, as well to them as to all other Christian people.

Also, that the abbot and president of this place shall make a true and full reckoning and accompt of his administration every year to his brethren, as well of his receipts as expences; and that the said accompt be written in a great book remaining with the convent.

Also, that the abbot and president of this house shall make no waste of the woods pertaining to this house, nor shall set out unadvisedly any farms or reversions, without the consent of the more part of the convent.

Also, that there be assigned a book and a register that may copy out into that book all such writings, word by word, as shall pass under the convent-seal of this house.

141 Also, that no man be suffered to profess, or to wear the habit of religion in this house or he be twenty year of age complete: and that they entice or allure no man with suasions [fol. 24.] and blandiments to take the religion upon him.

Item, That they shall not shew no reliques, or feigned miracles, for increase of lucre, but that they exhort pilgrims and strangers to give that to the poor, that they thought to offer to their images or reliques.

Also, that they shall suffer no fairs, or markets, to be kept or used within the limits of this house.

Also, that every brother of this house that is a priest, shall every day in his mass, pray for the most happy and most

prosperous estate of our sovereign lord the king, and his most noble and lawful wife queen Ann.

Also, that if either the master, or any brother of this house, do infringe any of the said injunctions, any of them shall denounce the same, or procure to be denounced, as soon as may be, to the king's majesty, or to his visitor general, or his deputy. And the abbot, or master, shall minister spending money, and other necessaries, for the way to him that shall so denounce.

Other spiritual jurisdictions:[1] injunctions may be added by the visitor, as the place and nature of the comperts shall require, after his discretion.

Reserving power to give more injunctions, and to examine and discuss the comperts, to punish and reform them that be convict of any notable crime, to search and try the foundations, charters, donations, appropriations and muniments of the said places; and to dispose all such papistical escripts as shall be there found, to the right honourable Mr. Thomas Crumwell general visitor to the king's said highness, as shall seem most expedient to his high wisdom and discretion.

[36] [This word appears in the MS. in the way in which it is here printed.]

Number III. [p. 191, 238.]

Some particulars relating to the dissolution of monasteries.

Section I.

Surrender of the monastery of Langdon[2].

OMNIBUS Christi fidelibus, ad quos præsens scriptum pervenerit Willielmus Dayer, abbas monasterii sive prioratûs Beatæ Mariæ Virginis et Sancti Thomæ Martiris de Langdon, in comitatu Kantiæ, et ejusdem loci conventus, ordinis Premonstratensium salutem in Domino sempiternam ac fidem indubiam præsentibus adhiberi. [Rot. Claus. an. 27. H. 8. par. i. m. 11. d. ap. Rymer, tom. xiv. p. 555.]

Ad universitatis vestræ notitiam deducimus et deduci volumus per præsentes quod nos abbas et conventus prædicti ad infrascripta, in domo nostrâ et dicti monasterii capitulari capitulariter congregati et capitulum sive conventum dictæ domûs plenum facientes,

Ejusdemque domûs,

Quæ in suis fructibus, redditibus, provenientiis, obventionibus et emolumentis, non mediocriter deteriorata est, et quasi in totum diminuta, ingentique ære alieno obruta, oppressa, et gravata extitit,

Statum usque adeo maturâ deliberatione, et diligenti tractatu, considerantes, ponderantes, et pensantes, quod nisi celeri remedio, regiâ provisione huic monasterio sive prioratui (quippe quod de ejus fundatione et patronatu existit) brevi succurratur et provideatur, funditus in spiritualibus et temporalibus adnihi-
142 letur,

Dedimus et concessimus ac per præsentes damus concedimus, [reddimus et deliberamus illustrissimo principi et Domino nostro Henrico Octavo, Dei gratiâ, Angliæ et Franciæ regi

[2] [This document was headed in the folio editions, *The preamble of the surrender of the monastery of Langden*, and the preamble was printed down to the word *concedimus*, after which was added, *The rest follows in the ordinary form of law; but the ordinary preamble in most surrenders is, &c.* It has been thought desirable to give the whole surrender as printed by Rymer from the Close Rolls; there being no other document of the kind printed in this Collection of Records.]

fidei defensori et Domino Hiberniæ, et in terrâ supremo capiti ecclesiæ Anglicanæ, ac fundatori et patrono nostro et dicti prioratûs sive monasterii, dictum monasterium sive prioratum, ac omnia et singula maneria terras et tenementa nostra, prata, pascua, pasturas, boscos, redditus, reversiones, servitia, molendina, passagia, villanos, warda, maritagia, communia, libertates, jurisdictiones, letas, hundreda, visus franci plegii, feria, parca, warenna, vivaria, mercata, advocationes, nominationes, et præsentationes ecclesiarum, vicariarum, capellarum, Cantariarum et aliorum ecclesiasticorum beneficiorum quorumcumque, pensiones, portiones, annuitates, decimas, oblationes, elimosinas, et omnia et singula emolumenta, proficua, possessiones, hæreditamenta et jura nostra quæcumque infra regnum Angliæ, et alibi infra dominia dicti domini regis situata, jacentia seu existentia, ac omnia bona et catalla nostra tam realia quam personalia debita et jura nostra quæcumque, ac omnimoda, cartas, evidentias, scripta et munimenta dicto monasterio sive prioratui, maneriis, terris et tenementis cum cæteris præmissis pertinentia spectantia sive concernentia,

Habenda, et tenenda dictum monasterium sive prioratum, ac prædicta maneria, terras et tenementa, ac omnia et singula præmissa cum suis pertinentiis, præfato Domino regi hæredibus et successoribus suis imperpetuum, cui, in hâc parte ad omnem juris effectum qui exinde sequi poterit aut potest, nos et dictum monasterium sive prioratum, ac omnia jura nobis qualitercumque ejusdem intuitu acquisita, ut decet subvenimus et submittimus omnem et omnimodam plenam et liberam facultatem, auctoritatem et potestatem nos et dictum monasterium sive prioratum, una cum omnibus et singulis maneriis, terris et tenementis, redditibus, reversionibus, servitiis, molendinis, passagiis, boscis, subboscis, pratis, pasturis, villanis, wardis, maritagiis, et hariettis, releviis, communiis, curiis letis, visibus franci plegii, hundredis, libertatibus, jurisdictionibus, parcis, warennis, vivariis, feriis, mercatis, et aliis commoditatibus et emolumentis cum suis juribus et pertinentiis quibuscumque, una cum feodis militum, advocationibus ecclesiarum, et præsentationibus ecclesiarum, vicariarum, capellarum, Cantariarum, et aliorum ecclesiasticorum beneficiorum quorumcumque, cum omnibus pensionibus, portionibus, annuitatibus, decimis, oblationibus, elemosinis, et aliis emolumentis et possessionibus spiritualibus et

temporalibus, bonis et catallis tam realibus quam personalibus, cartis, scriptis, evidentiis et munimentis, ad dictum nostrum monasterium sive prioratum prædictum, sive alicui dominiorum, maneriorum, terrarum, tenementorum ecclesiarum sive capellarum seu alicui præmissorum, quoquo modo pertinentibus, infra regnum Angliæ sive alibi infra dominia dicti Domini regis existentibus, alienandi, ac pro suæ liberæ regiæ voluntatis libito ad quoscumque sibi placuerit usus disponendi, convertendi et transferendi, hujusmodi alienationes, dispositiones, conversiones, et translationes per dictum dominum nostrum regem et patronum quovismodo fiendas, exnunc ratificantes et nos ratificamus, et ratas gratas et perpetuo firmas habituros promittimus per præsentes,

Et ut præmissa omnia et singula suum debitum sortiri valeant effectum, electionibus insuper pro nobis et successoribus nostris, necnon omnibus querelis, provocationibus, appellationibus, actionibus, litibus et instantiis aliisque quibuscumque nostris juris vel facti remediis et beneficiis, nobis forsan et successoribus in eâ parte, prætextu alienationis, dispositionis, translationis, et conversionis prædictarum et cæterorum præmissorum, qualitercumque competentibus et competituris, totaliter omnibus, generalitatis, doli, erroris, metûs, ignorantiæ, vel alterius materiæ sive dispositionis, exceptionibus, objectionibus, et allegationibus, prorsus semotis, et depositis, palam, publice et expresse ex certâ nostrâ scientiâ animisque deliberatis renunciavimus et cessimus, prout per præsentes renunciamus et cedimus et ab eisdem recedimus in hiis scriptis,

Et nos prædicti abbas et conventus et successores nostri, dictum manerium sive prioratum, maneria, terras, tenementa, ac omnia et singula præmissa cum suis pertinentiis, præfato Domino regi hæredibus et successoribus suis, contra omnes homines warantizabimus imperpetuum per præsentes.

In cujus rei testimonium sigillum nostrum commune præsentibus apposuimus.

Dat. in domo nostrâ et dicti monasterii sive prioratûs capitulari tertiodecimo Die Novembris, anno Domini, juxta cursum et supputationem ecclesiæ Anglicanæ millesimo quingentesimo tricesimo quinto, et anno regni regis prædicti vicesimo septimo.

Et memorandum quod, sextodecimo Die Novembris, anno præsenti, venerunt prædicti abbas et conventus coram Thomâ

Bedyll uno clericorum cancellariæ Domini regis, in Domo suâ capitulari apud Langdon prædictam, et recognoverunt scriptum prædictum ac omnia et singula in eodem contenta in formâ prædictâ.]

The ordinary preamble in most surrenders is,

Omnibus Christi fidelibus, [ad quos præsens scriptum pervenerit—prior monasterii sive prioratûs—in comitatu—et ejusdem loci conventus] salutem [in Domino sempiternam]. Sciatis nos præfatos priorem et conventum deliberate, certâ sciencià, et mero motu, nostris, ex quibusdam causis, justis, et rationabilibus, nos, animas et consciencias nostras specialiter moventibus, ultro et sponte dedisse, et concessisse, [ac per præsentes damus concedimus deliberamus et confirmamus illustrissimo invictissimoque in Christo principi et domino nostro,] domino [Henrico octavo Dei gratiâ Angliæ et Franciæ] regi, [fidei defensori, domino Hiberniæ ac in terrâ supremo capiti ecclesiæ Anglicanæ,] &c.[3]

But it seems some few houses though they were prevailed with to surrender, yet would not do it with such a preamble, for there are about twenty surrenders without any preamble at all, made to John London clerk, *ad usum domini regis.*

[3] [An exact copy of the surrender of Bradenstock has been inserted in the Second Appendix to the Eighth Report of the Deputy Keeper of the Public Records, p. 3. Several others may be seen in Dugdale's Monasticon, Rymer's Fœdera, and the different county histories. Directions where to find them have been given in the notes to the following sections. There are probably others to be found elsewhere, but those referred to will afford a sufficient specimen of the style of the surrenders in general. There are several slight variations. Many of these commence with *Noveritis* for *Sciatis*. Some have the addition of the words *unanimi consensu et assensu* and *voluntarie*. In the rest of the document there are variations according to the circumstances of the abbey.]

SECTION II. [p. 224.]

A list of religious houses, which by the king's letters patents were of new founded and preserved from the dissolution of lesser monasteries [1].

Anno regni, 28.

[Par. 1.]	ST. MARY of Bitlesden, Buckinghamshire, Cistercians.	17 Aug.
[Par. 2.]	St. Mary of Huntingdon, Austin Canons.	17 Aug.
[Par. 2.]	Chateris, Cambridgeshire, Benedictine Nuns.	17 Aug.
[Par. 2.]	St. Mary in Winton[2], Southamptonshire, Benedictine Nuns.	17 Aug.
[Par. 2.]	Grace-dieu, [Belton,] Leicestershire, Austin Nuns.	17 Aug.
[Par. 1.]	St. Michael, Hull, Yorkshire, Carthusians.	27 Aug.
[Par. 4.]	St. Clare of Denney, Cambridgeshire, [Franciscan] Nuns.	28 Aug.
[Par. 2.]	Kyme[3], Lincolnshire, Austin Canons.	2 Sept.
[Par. 2.]	St. Andrew, Marrick, [or Maryke,] Yorkshire, Benedictine Nuns.	9 Sept.

[1] [The author speaks in the History, p. 224, of the number of these houses being thirty-one. He has himself enumerated thirty-two including the Cistercian abbey of Bellalanda, or Byland, in Yorkshire, which he states to have been confirmed Jan. 30. The editor has omitted this from the catalogue, as he does not find it in the Rolls, and can find no evidence that it was suppressed at the time of the dissolution of the lesser monasteries. It is not unlikely that it was inserted by a mistake for Blanchland or Alla Landa in Northumberland, which was confirmed on that day. As there is some difficulty in finding the confirmation of these monasteries in the Rolls the editor has added to each the part of the patent Roll in which its confirmation will be found. Those monasteries which are added within brackets [ ] were omitted by the author.]

[2] [The letters patent for the preservation of this nunnery have been printed in Rymer, tom. xiv. p. 574, from Rot. Pat. 28. H. VIII. p. 2. m. 15. and in Dugdale's Monasticon, ii, 454.]

[3] [See Dugdale's Monasticon, vi. 378, for a letter signed John London, printed from a book in the Augmentation office, stating that sir Radulffe Farfaxe, the prior, had at the second dissolution assigned to him a pension of 30*l.* 'in consideration he redeemed his house of the king's grace, as appeareth by letters patents, and paid therefore certain sums of money.']

[Par. 1.]	St. Mary of Bindon, Dorsetshire, Cistercians.	16 Nov.
[Par. 3.]	St. Mary, Hepp [or Shapp], Westmoreland, Premonstratensians.	16 Nov.
[Par. 3.]	St. Mary of Haynings, Lincolnshire, Cistercian Nuns.	27 Nov.
[Par. 1.]	St. Mary de-la-Pre, Northamptonshire, [Cluniac] Nuns.	13 Dec.
[Par. 3.]	St. Mary of Nun-Kelynge, Yorkshire, Benedictine Nuns.	14 Dec.
[Par. 2.]	St. Mary of Cokersand, Lancashire, Premonstratensian Nuns.	19 Dec.
[Par. 4.]	Beauvale, Nottinghamshire, Carthusians.	2 Jan.
[Par. 4.]	St. Mary, Newstead, Nottinghamshire, Austin Nuns.	2 Jan.
[Par. 3.]	Wormsley, Herefordshire, Austin Canons.	27 Jan.
[Par. 5.]	St. Leonard of Alnewick, Northumberland, Premonstratensians.	30 Jan.
[Par. 5.]	[St. Mary and] St. John Baptist, Egleston, Yorkshire, [Premonstratensians.]	30 Jan.
[Par. 4.]	St. Mary de Neath, Glamorganshire, Cistercians.	30 Jan.
[Par. 4.]	St. Mary, Ulvescroft[3], Leicestershire, [Austin Canons.]	30 Jan.
[Par. 5.]	St. Mary of Dale, Derbyshire, Premonstratensians.	30 Jan.
[Par. 1.]	St. Katharine of Poleslowe, [or Polleshoo,] Devonshire, Benedictine Nuns.	30 Jan.
[Par. 4.]	St. Mary, Lacock, Wiltshire, Austin Nuns.	30 Jan.

[3] [This abbey is spelt in various ways, and is the same as that called Wolstroppe in the following extract from Cleop. E. iv. fol. 213. George Gyffard, writing to Cromwell June 19, 1536, says, 'I beseech you to be a mean unto the king's majesty for the standing of the said Wolstroppe, whereby his grace shall do a much gracious and a meritorious act for the relief of his poor subjects there, and ye shall be sure not only to have the continual prayer of those religious persons there, but also the hearty prayer of all the inhabitants within four or five miles about that house.' This letter has been printed by Mr. Wright, who did not know what house was alluded to, in the Camden Society's volume, and in Nichols' Leicestershire, iii. p. 1087, where also may be seen the letters patent for its preservation, printed from the deeds of the manor of Ulvescroft.]

[Par. 4.] St. Mary, Chester, Benedictine nuns. 30 Jan.
[Par. 4.] St. Mary of Studley, Oxfordshire, Benetine nuns. 30 Jan.
[Par. 2. Guildford, or Langeley *prope* Guildford, Surrey, Dominicans. 30 Jan.
Par. 3. Pollesworth[4], Warwickshire, Benedictine Nuns. 30 Jan.
Par. 4. Strata Florida, or Stratfleur, Cardiganshire, Cistercians. 30 Jan.
Par. 5. Blanchland, or Alba Landa, Northumberland, Premonstratensians. 30 Jan.]
143 [Par. 3.] St. Mary of Canon Leigh, Devonshire, [Austin] Nuns. 30 Jan.
[Par. 4.] Cokehill, Worcestershire, [Cistercian] Nuns. 5 Mar.
[Par. 5.] St. Bartholomew, Newcastle, [Benedictine] Nuns. 30 Mar.
[Par. 4.] St. Mary of Wallingwells, [Nottinghamshire,] Benedictine Nuns. [10] April.

The grants for these houses are all in the 28th year of the king, to be held in perpetuam eleemosynam, *and are enrolled in the first, second, [third,] fourth, and fifth parts of the Patent Rolls for that year*[5].

[4] [See in the Camden Society's volume a letter recommending the continuation of this nunnery, giving a high character to the abbess and nuns, and stating the opinion of the commissioners that 'if the nunnery be suppressed the town will shortly after fall to ruin and decay'.]

[5] [Most subsequent writers have taken for granted that Burnet's Catalogue of the religious houses which were preserved from the dissolution of the lesser monasteries was complete. Independently, however, of the omissions of several houses which appear in the Patent Rolls of the 28th year of the king's reign, there were several refounded in the 29th and two in the 30th year of his reign. The author appears never to have consulted the Patent Rolls of these two years. The houses which were refounded in these years are printed on the next page, and it is hoped that the catalogue may now be considered complete. The editor has gone over them carefully several times, and thinks it impossible that any name can have escaped his notice. If further confirmation of the accuracy of the catalogue is required, it will be found in the extract from Stevens, printed in the note at p. 231. Stevens' catalogue is very incorrectly printed, but in most cases it can be guessed what house is referred to. Both Dodd and Lingard have quoted it, but have omitted to notice its palpable inaccuracies.]

[*The following is the list of those houses which were newly founded in the 29th year of the king's reign.*

Par 3. Alba Landa, or Whiteland, Carmarthenshire, Cistercians.	25 April.
Par. 2. Tutbury, Staffordshire, Benedictines.	3 May.
Par. 2. Derby, St. Mary's, Dominicans.	5 May.
Par. 2. Repyngdon, or Repton, Derbyshire, Austin Canons.	12 June.
Par. 3. Crokesden, or Croxdon, Staffordshire, Cistercians.	2 July.
Par. 5. Brusyard, Sussex, Nuns of the order of St. Clare.	4 July.
Par. 3. St. Thomas Martyr, Staffordshire, Austin Canons.	4 July.
Par. 5. Nesseham, or Nesham, Durham, Benedictine Nuns.	4 July.
Par. 1. Burnham[6], Buckinghamshire, Austin Nuns.	9 July.
Par. 1. Stixwold[7], or Stykeswold, Lincolnshire, Cistercian Nuns.	9 July.
Par. 5. Swine or Swyna, or Swinhey, Yorkshire, Cistercian Nuns.	1 Oct.
Par. 5. Hilton, or Hulton, Staffordshire, Cistercians.	1 Oct.
Par. 4. Bustlesham or Bisham[8], Berkshire, Austin Canons, refounded for Benedictines.	18 Dec.

[6] [Willis in his history of abbeys, vol. ii. p. 16, says, that there is a letter from the visitors recommending the religious to the king's favour on account of their readiness to yield to the king's measures. In their survey they describe the number of nuns as being nine, of whom none were incontinent and all desired to go into religious houses.]

[7] [There seems to be some doubt as to what order this nunnery belonged to. Speed describes them in his Catalogue as Gilbertines. Tanner thinks it most probable that it was Cistercians. The letters patent by which it was refounded are printed in Dugdale's Monasticon, v. 725. and appoint it for Premonstratensians. Strype in Eccles. Mem. i. 256 has printed a letter from the nuns to one of the visitors which shews what hard terms were imposed upon this house when it was refounded.]

[8] [The letters patent for refounding this monastery are printed in Dugdale's Monasticon, vi. 528. They incorporate Chertsey, which had surrendered July 6. an. regni 29, with it, and appoint John Cordrey abbot of the new house which was dedicated to the Holy Trinity. They also grant the abbot the privilege of wearing a mitre.]

Par. 5. Roussetor, or Rocettur, Staffordshire, Austin Canons. 11 Mar.

Par. 1. Hampall, or Hanepole, Yorkshire, Cistercian Nuns. 11 Mar.

Par. 5. Arthington, Yorkshire, Benedictine Nuns. 11 Mar.

The two following were refounded in the thirtieth year of the king's reign.

Par. 1. Kirklees, or Kirkleghes, Yorkshire, Cistercian Nuns. 13 May.

Par. 1. Nunappleton, Yorkshire, Cistercian Nuns. 12 July[9].]

[9] [Stevens has printed, vol. ii. App. pp. 17–19, from a roll in the drawers of the Cotton Library, a document without any date or name of writer, professing to give a catalogue of all the houses of religion 'which of late were within the case of the act of suppression, as also such houses that pretend themselves to be cells, and of such that were confirmed by the king's letters patents, particularly in several shires and bishoprics appeareth, which, upon the certificates of the commissioners to the said houses assigned, were assigned and appointed to stand by the king's commandment with the names of such persons appointed, also by his grace to the same houses of religion in case the statute had been executed, whereof a great number been already dissolved, the certainty of which houses that been dissolved as yet, doth not wholly remain in my office, because the surveyors thereof as yet hath not certified, viz. infra.' Then follows the list arranged according to counties, amongst which the following are mentioned as confirmed,

Newsted.
Bevalle.
Wallingwells.
Repyngdon.
Dale.
Chateres.
Kyme.
Stixolde.
Hevyngs.
Marryke.
Egglestone.
Studley.
Charterhouse near Coventre.
Cokehill.
Byndon.
Whitlond.
Stateslere.
Pollesloo.
Leycoke.
Bromesley.
Shap.
S. Thomas beside Stafford.
Hilton.
Croxden.
Rocetour.
Tutbury.
Bluescrofte.
Gracedue.
S. Mary in Winton.
Aylnewike.
Newcastell uponTyne
Blanchelond.
Delapraye.
Burneham.
Bittelsden.
Bisseham.
Heeseham.
Neth.
Gowennye being a cell to Glosceter.
Huntyngdon.
Nuneapulton.
Arthyngton.
Hampall.
Byrkeleye.
Rasedale.
Swyne.
Nunekyllyng.
Kyngeston upon Hulle.
S. Andrew near York and the cell belonging to Semprynghām in Lincolnshire.
Chester.
Sikarsham.

These have been printed with all the mistakes exactly as they stand in Stevens. There is no difficulty however in correcting these mistakes by reference to the catalogue in the text. Of these a query is placed against Tutbury, Blanchelond, Bisseham, Gowennye, and St. Andrew near York.]

SECTION III. [p. 238[1].]

A list of the surrenders of abbeys, which are yet extant in the augmentation office,

Regni 27.

[Rymer, xiv. p. 557.]

[120.] LANGDON, com. Kent, Premonstratensians signed by the abbot and ten monks. 13 Nov.

[87.] Folkstone, Kent, Benedictines, the prior. 15 Nov.

[78.] Dover, [Kent, Benedictines,] the prior and eight monks. 16 Nov.

[148.] Merton, [or Marton,] Yorkshire, Austin Canons, the prior and five monks. 9 Feb.

[104.] Hornby, [Lancashire,] Premonstratensians, the prior and two monks. 23 Feb.

[20.] Bilsington, Kent, [Austin Canons,] the prior and two monks. 28 Feb.

[243.] Tiltey, Essex, Cistercians, the abbot and five monks. 28 Feb.

These are all enrolled Rot. Claus. par. 1.

Regni 28.

[lost.] Bermondsey[2], Surrey, [Cluniacs,] the abbot, [and twelve monks.] 17 June.

[lost.] Bustlesham[3], Berkshire, [Austin Canons,] bishop of St. David's commendator. 5 July.

[1] [The numbers in brackets prefixed to the names of the abbeys indicate the alphabetical arrangement at present adopted in the Augmentation Office.]

[2] [The date given by Burnet was June 1. The editor of the Monasticon gives his reasons for conjecturing that it was Jan. 1. of the following year an. 29. But June 17, the date here given, is taken from the Close Roll; the subsequent acknowledgment of surrender is dated July 18, which may be a mistake for June 18. The number of the monks has been supplied from the list of pensions in the Augmentation Office.]

[3] [This is the first surrender. See p. 230, where it appears among the houses refounded, and p. 235, where its second suppression occurs, 19 June, an. regn. 30.]

[91.] Furness[4], Lancashire, [Cistercians,] the abbot and twenty-nine monks. 9 April.

The originals of these two last[5] *are lost, but enrolled Rot. Claus. par. 2. regn. 28.*

Regni 29[6].

[133.] London, Charterhouse, [Carthusians,] the prior[7]. 10 June. [Rymer, xiv. p. 590.]

[54.] Chertsey[8], [Surrey,] Benedictines, the abbot and fourteen monks. 6 July.

[253.] Wardon, Bedfordshire, Cistercians, the abbot and twelve monks, 4 Dec.

St. Austin's Canterbury, the abbey seal. 5 Dec.

[258.] Westacre, Norfolk, Austin Canons, the prior and seven monks. 15 Jan.

[114.] Kingswood, Wiltshire, Cistercians, the abbot and thirteen monks. 1 Feb.

[57.] Coggeshall, Essex, Cistercians, the abbot[9]. 5 Feb.

[4] [The author has accidentally described this abbey as being in Lincolnshire in the text of the History, p. 235. There is a surrender made by the abbot only, April 5, an. 28, printed in the volume on the Suppression of Monasteries, p. 153. It appears also in West's Antiquities of Furness, Appendix, No. x. 5. The actual surrender is printed ibid. No. x. 7, with the signatures of twenty-nine monks. In the catalogue in the Deputy Keeper's Report the resignation is erroneously attributed to the 37th year of the king's reign, the true date being 1537.]

[5] [This means Bermondsey and Bustlesham, which the author had by mistake placed after Furness.]

[6] [The author in the text of the History, p. 235, speaks of there being no more than twenty-one surrenders this year either in the Rolls or Augmentation Office; but he has himself given a catalogue of twenty-four. The Close Rolls alone have twenty-three surrenders, omitting the surrender of Westacre and Roberts Bridge, and adding that of Holywell. Seventeen remain in the Augmentation Office exclusive of the abbey Seal of St. Augustine's, Canterbury.]

[7] [No signatures are attached.]

[8] [The author has given the date of this surrender correctly in the Records, but in the History, p. 237. erroneously says that it was on the 14th of July. He adds, 'I have some reason to think that this abbot was for the reformation, and intended to have had his house new founded to be a house of true and well regulated devotion.' What the reason was does not appear. Certainly the abbot was in favour, for he was made abbot of Bustlesham and given the privilege of wearing a mitre. See note to Bustlesham, p. 230.]

[9] [There is no signature.]

[2.]	Abingdon[10], Berkshire, Benedictines, the abbot and twenty-five monks.	9 Feb.
[40.]	Butley, Suffolk, Austin Canons, the prior and eight monks.	1 Mar.
[172.]	Northampton[11], St. Andrew, [Cluniacs,] the prior and twelve monks.	2 Mar.
[103.]	Holm Cultram, Cumberland, [Cistercians,] the abbot and twenty-four monks.	6 Mar.
[121.]	Lanthony[12], Gloucestershire, Austin Canons, the prior and twenty-four monks.	10 Mar.
[226.]	Stratford-Langthorne, Essex, Cistercians, the abbot and fourteen monks[13].	18 Mar.
[17.]	Beaulieu, Hampshire, Cistercians, the abbot and nineteen monks.	2 April.
[219.]	Southwick, [or Portchester,] Hampshire, Austin Canons, [the prior and twelve monks.]	7 April.
[111.]	Kenilworth, Warwickshire, [Austin Canons,] the abbot and fifteen monks.	15 April.
[152.]	Merton, Surrey, Austin Canons, the prior and fourteen monks.	16 April.
[203.]	Robert's Bridge, Sussex, Cistercians, the abbot and eight monks.	16 April.

[10] [The names of the monks and the pensions assigned to them are printed by Willis in his Mitred Abbeys, p. 9. and the letters patent which grant the pensions, dated Feb. 23, ibid. p. 11.]

[11] [This resignation is printed at length in Weaver's Funeral Monuments. Part of it appears also in Fuller, lib. vi. p. 320, from which it has been copied into Collier's Ecclesiastical History, ii. p. 160. The comparison of the signatures with those printed in the Second Appendix to the Eighth Report of the Deputy Keeper, p. 34, will shew how difficult it is to decipher the names.]

[12] [See a letter in the Camden Society's volumes from Petre to Cromwell, dated from Lanthonye the 17th of March, stating that 'we have taken the surrender of this priory with as much quietness as might be desired.']

[13] [The last of these makes a cross '+ for John Wryghte which cannot wrytte.']

Besides these, the following surrenders are enrolled.

	[Haliwell, or Holywell, Middlesex, Benedictine Nuns, the prioress[13].	4 Nov.]
144	Lewes, Sussex, Cluniacs, the prior[14].	16 Nov.
	Castle-Acre, Norfolk[15], Cluniacs, the prior, [and ten monks.]	22 Nov.
[lost]	Tichfield, Southamptonshire, Premonstratensians, the commendator, [and twelve monks.]	18 Dec.
	Michelney[16], Somersetshire, Benedictines, the abbot, [and ten monks.]	3 Jan.
	Boxley, Kent, Cistercians, the abbot, [and eight monks.]	26 Jan.
	Walden, Essex, Benedictines, the bishop suffragan of Colchester, commendator.	22 Mar.

Almost all these abbeys were above the value of two hundred pound, so that they were not within the statute for suppressing the lesser abbeys, but the abbots were prevailed on by other motives to surrender their houses to the king.

[13] [The prioress and five nuns were still receiving pensions in 1553.]

[14] [A copy of the surrender of Lewes will be found in sir William Burrell's Collections, MS. Donat. Brit. Mus. 5706.]

[15] [Blomfield in his History of Norfolk says, that the surrender of Castle-Acre was signed Nov. 22 by Thomas Malling, the prior, and ten monks, seven of whom were found guilty of the most notorious incontinency and uncleanness. He quotes no authority for either statement.]

[16] [This word is spelt in the surrender in seven different ways.]

Regni 30[17].

[Rymer, xiv. p. 603.]

[16.] Battle[18], Sussex, Benedictines, the abbot and eighteen monks. 27 May.

[241.] Thurgarton, Nottinghamshire, Austin Canons, the prior and eight monks. 14 June.

[9.] Axholm[19], Lincolnshire, Carthusians, the prior and eight monks. 18 June.

[17] The author in the text of the History, p. 238, says that there were a hundred and fifty-nine resignations enrolled of which a hundred and fifty-five yet remain. The number which he inserts in the records is, however, a hundred and seventy-one including that of Haghmon, which has slipped in from the surrenders of the following year. Of these he professes to take a hundred and fifty-eight from the originals, and the remaining thirteen from the Rolls. Of these thirteen the editor finds that seven are mere duplicates of those that are already in the previous catalogue taken from the originals, or else that the originals of them exist. Accordingly these will all be found in their proper places. The remaining six are left as the author placed them, and to them has been added one from the Close Roll, as printed by Rymer. The author has made a mistake also in implying that they are all enrolled, for several of those which he himself inserted from the Augmentation Office do not appear in the Rolls. The actual number of surrenders of this year now in existence will be seen to be a hundred and sixty-seven, including the seven on p. 249 of this edition, enrolled. There are other surrenders of which the originals are lost and which are not in the Rolls. There are not materials existing from which to make a complete catalogue of these, but the new edition of Dugdale's Monasticon will supply the reader with several, and points out the probable sources of information on the point. The mistakes made by the author in these catalogues may be counted by hundreds. In some cases it was extremely difficult to identify an abbey by his description; most of them were wrong in the name, the date, the county, the order, the number or the style of the monks, and where two or three of these errors occurred in the description of a single monastery, it was frequently only by ascertaining what the author did not mean that the editor at length by exhaustion arrived at what must have been the meaning. It must be noticed also that two have been omitted altogether, the Austin Friars of York, of which the prior and seven monks are stated to have resigned Nov. 18, which is a duplicate of No. [274.], and Bushsham, Devonshire, which is said to be resigned Feb. 19, and which bears no resemblance to any thing either in the Rolls or the Augmentation Office.]

[18] [Layton in a letter to Mr. Wrysley, dated from Batell on the day of the surrender May 27, complains that he had never seen 'so beggarly a house nor so filthy stuff.' Ellis, 3. iii. p. 204.]

[19] [See Cranmer's letter of March 7 to Cromwell (No. 217.) saying, 'Forasmuch as I am informed that your lordship intendeth to depose the prior of the Charterhouse within the isle of Axholme, this shall be to desire you to permit the said prior still to continue in his room, for I am about, through the help of such friends as I have in those parts, to procure that the same prior shall willingly resign the same into the king's hands.']

[39.]	Bustlesham[20], [or Bisham,] Berkshire, Benedictines, the abbot and fifteen monks.	19 June.
[256.]	Welbeck, Nottinghamshire, Premonstratensians, the abbot and seventeen monks.	20 June.
[204.]	Roch, [or De Rupe,] Yorkshire, Cistercians, the abbot and seventeen monks.	23 June.
[86.]	Feversham, Kent, Benedictines, the abbot and eight monks.	8 July.
[107.]	Huntingdon, Austin Canons, the prior and eight monks.	11 July.
[129.]	Lincoln, Gilbertines, the prior and thirteen monks.	14 July.
[26.]	Bordesley, Worcestershire, Cistercians, the abbot and nineteen monks.	17 July.
[60.]	Combermere, Cheshire, [Cistercians,] the abbot [and twelve monks.]	27 July.
[49.]	St. Augustine's[21], Canterbury, Benedictines, the abbot and thirty monks.	30 July.
[173.]	St. James, Northamptonshire, Austin Canons, the abbot elect[22] and five monks.	25 Aug.
[89.]	Fordham, [or Bigyng,] Cambridgeshire, Gilbertines, the prior and three monks.	1 Sept.
[53.]	Chateris, Cambridgeshire, Benedictine-nuns, the abbess and ten nuns.	3 Sept.
[250.]	Vale-royal, Cheshire[23], Cistercians, the abbot and fourteen monks.	7 Sept.
[67.]	Croxton, [and Hornby,] Leicestershire, [Premonstratentians,] the abbot and twenty-one monks[24].	8 Sept.

[20] [Ellis has printed 3. iii. p. 266, a letter from Layton to Cromwell complaining of the extreme poverty of the house and goods. It is dated from Bissham, June 22.]

[21] [The whole surrender is printed in Willis' Mitred Abbeys, i. 54. together with the names of the monks who subscribed.]

[22] [In the Rolls he is styled abbot elect, but he signed the surrender as abbot. From the Camden Society's volume, p. 136, it appears that a letter had been written recommending the continuance of this abbey.]

[23] [The abbot of Vale Royal wrote to Cromwell Sept. 9 refusing to acknowledge the surrender on his part as well as that of his brethren. The letter of which the commencement is lost, has been printed in Dugdale's Monasticon, and in the Camden Society's volume of letters on the Suppression of Monasteries, p. 244.]

[24] [The last three signatures are those of the prior and monks of the

[247.]	Tutbury, Staffordshire, Benedictines, the prior and eight monks.	14 Sept.
[206.]	Roucester, [or Rocettur,] Staffordshire, Austin Canons, the abbot and eight monks.	16 Sept.
[66.]	Crokesden[25], Staffordshire, Cistercians, the abbot and twelve monks.	17 Sept.
[106.]	Hilton, [or Hulton,] Staffordshire, Cistercians, the abbot and eight monks.	18 Sept.
[210.]	Sempringham, [Lincolnshire,] Gilbertines[26], the prior and sixteen monks.	18 Sept.
[230.]	Sulby[27], [or Welleford,] Northamptonshire, Premonstratensians, the abbot and eleven monks.	20 Sept.
[97.]	Haverholm, Lincolnshire, Gilbertines, the prior and six monks.	24 Sept.
[22.]	Bitlesden, Buckinghamshire, Cistercians, [the] abbot and ten monks.	25 Sept.
[51.]	Catteley, Lincolnshire, Gilbertines, the prior [and two monks.]	25 Sept.
[24.]	Bolington, [or Bullington,] Lincolnshire, Gilbertines, the prior and nine monks.	26 Sept.
[238.]	Thetford, Norfolk, Austin [Friars], the prior [and two friars].	26 Sept.
[215.]	Sixhill, Lincolnshire, Gilbertines, the prior and seven monks.	27 Sept.
[3.]	Alvingham, Lincolnshire, Gilbertines, the prior and seven monks.	29 Sept.

cell of Hornby. The surrender is printed at length from the original in the Augmentation Office in Nichols' Leicestershire, ii. p. 156.]

[25] [See Cranmer's letter to Cromwell in the Collection of Records, part iii. No. 48, asking for the suppression of Roucester or Crokesden, and the grant of the lease of one of them to his servant Francis Basset, implying also that he had previously suggested the suppression of Tutbury. This letter is dated Aug. 18. In a subsequent letter of Dec. 14 he again begs 'I pray you accomplish my suit for this bearer, my servant Francis Basset, concerning the monastery of Crokesden. Letter 251.]

[26] In the houses of this order there were cloisters for both sexes: St. Gilbert lord of Sempringham founded it; the bishop of Llandaff was at this time commendator of the whole order.

[27] [John Hales to Cromwell, Sept. 25, says, 'The papistical den of idle and utterly unlearned beasts at Soulbie is broken up and dispersed and your servant in possession.' Ellis, 3. iii. p. 229.]

[185.] Ormesby[28], [Lincolnshire,] Gilbertines, the prior and five monks. 30 Sept.

[146.] Lynn, Norfolk, White Friars, the prior and ten friars. 30 Sept.

[143.] Lynn, Norfolk, Dominicans, the prior and eleven friars. 30 Sept.

[142.] Lynn, Norfolk, Austin Friars, the prior and ten friars. 30 Sept.

145 [144.] Lynn, Norfolk, Franciscans, the warden and nine friars. 1 Oct.

[10.] Aylesbury, Buckinghamshire, Franciscans, the warden and six friars. 1 Oct.

[65.] Coventry, Warwickshire, Carmelites, the prior and thirteen friars. 1 Oct.

[166.] Newstead, [Lincolnshire,] Gilbertines, the prior and five monks. 2 Oct.

[150.] Mattersey, Nottinghamshire, Gilbertines, the prior and four monks. 3 Oct.

[19. Bedford, Bedfordshire, Franciscans, the warden and twelve friars. 3 Oct.]

[62.] Coventry, Warwickshire, Franciscans, warden and ten friars. 5 Oct.

[221.] Stamford, Lincolnshire, Austin Friars, the prior and five friars[29]. 6 Oct.

[222.] Stamford, [Lincolnshire,] Dominicans, the prior and eight friars. 7 Oct.

[224. Stamford, Carmelites, the prior and six friars. 8 Oct.

223. Stamford[30], Franciscans, the warden and nine friars. 8 Oct.]

[28] [This resignation has been printed at length from the Close Roll by Rymer, xiv. p. 604.]

[29] [Stevens in his Continuation, ii. p. 238, says, 'This seems to have been a very considerable monastery and consequently must have had at that time many more than six friars, wherefore it is probable that all the rest refusing to submit to the surrender were turned out and no mention made of them, that it might look as if the convent had consented which is well known was practised in most other monasteries.]

[30] [This resignation is printed in Collier's Ecclesiastical History, ii. p. 159, from the original in the Augmentation Office, also more correctly in the second appendix to

[94.] Grimsby[31], Lincolnshire, Franciscans, the prior and five friars. 9 Oct.

[151.] Merevale, [or de Mirâ Valle,] Warwickshire, Cistercians, the abbot and nine monks. 13 Oct.

[155.] Marmond, Cambridgeshire, [Gilbertines,] the prior and one monk. 14 Oct.

[213.] Shouldham, Norfolk, Gilbertines, the prior, nine monks, seven nuns. 15 Oct.

[29.] Brewode, [or Byrwood,] Staffordshire, Benedictine Nuns, the prioress[32]. 16 Oct.

[128.] Lilleshull, Shropshire, Austin Canons, the abbot and ten monks. 16 Oct.

[220.] Stafford, Austin Canons, the prior and five monks. 17 Oct.

[170.] Northampton, Dominicans, the prior and seven friars. 20 Oct.

[254.] Warwick[33], Dominicans, the prior and six friars[34]. 20 Oct.

[174.] Northampton[35], Carmelites, the prior and eight friars. 20 Oct.

[262.] Weatheral[36], Cumberland, Benedictines, the prior [and one monk]. 20 Oct.

[56.] Chicksand, Bedfordshire, Gilbertines, the prior, six monks, eighteen nuns. 22 Oct.

the eighth report of the Deputy Keeper, p. 4, as a specimen of the English surrenders.]

[31] [This surrender is in English.]

[32] [No signature.]

[33] [A letter of Dr. London, dated Nov. 5, from Oxford, mentions the recent surrender of this house. Ellis, 3. iii. 138.]

[34] [The names of the prior and seven friars are given by Willis, ii. p. 249.]

[35] [Dr. London wrote from this house to Cromwell Oct. 29, speaking of it as 'a beggarly house,' and giving an account of what he had previously done in defacing and rasing other houses at Reading, Aylesbury, Bedford, Stamford, Coventry, Warwick, but that at Thelesford, a house, the surrender of which is dated Oct. 26 of this year, he had only received the surrender. He promises also henceforth to deface no more houses without the king's special commandment. Ellis, iii. 3. 130.]

[36] [The seal attached to the surrender which professes to be the common seal has nothing on it but the initials R. H. of the prior's name Ralph Hartley.]

[72.]	Derlegh[38], Derbyshire, Austin Canons, the abbot and twelve monks.	22 Oct.
[68.]	Dale, Derbyshire, Premonstratensians, the abbot and sixteen monks.	24 Oct.
[200.]	Repton, Derbyshire, Austin Canons, the subprior, and eight monks.	25 Oct.
[237.]	Thelesford, Warwickshire, the Holy Trinity, the minister and three friars.	26 Oct.
[69.]	Grace-Dieu, Leicestershire, Austin Nuns, the prioress[39].	27 Oct.
[171.]	Northampton, Franciscans, the warden and ten friars.	28 Oct.
[169.]	Northampton, Austin [Friars], the prior and eight friars.	28 Oct.
[147.]	Malling[40], Kent, Benedictine nuns, the abbess and ten nuns[41].	29 Oct.
[13.]	Bardney[42], Lincolnshire, Benedictines, the abbot and thirteen monks.	1. Nov.
[193.]	Pipewell, [Northamptonshire, Cistercians,] the abbot and thirteen monks.	5 Nov.
[15.]	Barnwell, Cambridgeshire, Austin Canons, the prior and six monks.	8 Nov.
[126.]	Leicester, Franciscans, the warden and six friars.	10 Nov.
[125.]	Leicester, Dominicans, the prior [and nine friars.]	10 Nov.

[38] [A letter dated Sept. 23, has been printed in Ellis' Third Series, vol. iii. p. 109, from Thomas Thacker to Cromwell saying, that he had been labouring for three months to make the abbot resign and that he trusts he will do so soon, and asking for the house.]

[39] [No signature. The preamble and conclusion of this surrender are printed from Rymer in Nichols' Leicestershire, iii. p. 653.]

[40] [The letter at p. 55 of the Camden Society's volume was written by Margaret Vernon who was abbess of this house. 'The surrender is not signed by the abbess and nuns as was the usual form, but merely purports to have been received, acknowledged and delivered, before Richard Layton and William Peter, two of the masters of the king's chancery in the day and year above mentioned.' Dugdale, iii. p. 381.]

[41] [No signature.]

[42] [The surrender with the subscription is printed in the Monasticon, i. 640, from the original in the Augmentation Office.]

[124.] Leicester[43], Austin Friars, the prior [and three friars.] 10 Nov.

[140. London, Carmelites, the prior and twelve monks. 10 Nov.]

[132.] London, Dominicans, the bishop of Rochester, commendator, and fifteen friars. 12 Nov.

[131.] London, Austin Friars, the prior and twelve friars. 12 Nov.

[135.] London, Franciscans, the warden and twenty-five friars. 12 Nov.

[134.] London, Crossed-friars, six friars. 12 Nov.

[74.] Doncaster, Yorkshire, Carmelites, the prior and seven friars. 13 Nov.

[269.] Worksop, Nottinghamshire, Austin Canons, the prior and fifteen monks. 15 Nov.

[263.] Wigmore, Herefordshire, [Austin Canons,] the commendator, and ten monks. 18 Nov.

[242. Tickhill, Yorkshire, Austin Friars, the prior and seven friars. 19 Nov.]

[73.] Doncaster, [Yorkshire,] Franciscans, [the] guardian, six friars, three novices. 20 Nov.

[156.] Monkbreton, [or Lunda,] Yorkshire, Benedictines, the prior and thirteen monks. 21 Nov.

[137.] St. Helen's, London, a Benedictine nunnery, no hands, only the seal. 25 Nov.

[197.] Pontefract, Yorkshire, Dominicans, seven friars, one novice. 26 Nov.

[277.] York, Carmelites, the prior, nine friars, three novices. 27 Nov.

[276.] York, Franciscans, the guardian, fifteen friars, five novices. 27 Nov.

[275.] York, Dominicans, the prior, six friars, four novices. 27 Nov.

[278.] York, Gilbertines, the prior and three monks. 28 Nov.

[43] [The preambles of the resignations of all these three houses in Leicester are printed in Nichols' Leicestershire, p. 295-300. In the last instance there are the signatures only of two monks beside the prior.]

[274.] York, Austin Friars, the prior, nine friars, four novices. 28 Nov.

146 [41.] Bellalanda, [or Byland,] Yorkshire, Cistercians, the abbot and twenty-four monks. 30 Nov.

[75.] Donington, Berkshire, the order of the Trinity, the minister [and one friar.] 30 Nov.

[202. Rivaulx, or] Rievall, Yorkshire, Cistercians, the abbot and twenty-two monks. 3 Dec.

[85.] Ensham, Oxfordshire, [Benedictines,] the abbot and nine monks. 4 Dec.

[115.] Kirkham, Yorkshire, Austin Canons the prior and seventeen monks. 8 Dec.

[184.] Notely, [or Nuttley, Buckinghamshire, Austin Canons,] the abbot and fourteen monks. 9 Dec.

[81.] Ellerton[44], Yorkshire, Gilbertines, the prior and four monks. 11 Dec.

[117. Knaresborough, Yorkshire, Trinitarian

[44] [The resignations of November and December of this year are mentioned in the following extract from a letter in the Camden Society's volume, p. 167, dated from York Dec. 15.

'Our most singular good lord, our bounden duties lowly premised, please it your honourable lordship to be advertised, we have lately received your letters containing the king's majesty's pleasure anempsce the order of lead and bells, appertaining to such houses of religion contained in the king's grace's letters commissional, to us addressed whereof we have already committed the safe custody to substantial honest persons, liable to answer therefore, and have not sold ne intended to sell any parcel thereof. We have quietly taken the surrenders and dissolved the monasteries of Wyeresoppe, Monckebreton, Sancte Androos at Yorke, Byland, Ryvaille, Kyrkeham, and Ellerton, the friars at Tykhill, Doncastere, Pontefracte, and the city of Yorke, where we perceived no murmur or grudge in any behalf, but were thankfully received as we shall within six days more plainly certify your lordship. And where it hath pleased your lordship to write for reserving of lead and bells at Bolton in Chauns, there is as yet no such commission come into our hands as Jesus knoweth, who preserve your lordship in health and honour. At York the 15th day of December. Your lordship's humble bounden orators,

George Lawson.
Rychard Belassez.
Willm. Blithman.
James Rokeby.'

St. Andrew's was the priory of Gilbertines, No. 278. The order corresponds with the dates of the surrenders, except that the houses of friars are mentioned altogether after the monasteries.]

Friars, the minister and ten friars. December, 30 regni, without further date.]

[273.] Yarom[45], [Yorkshire,] Dominicans, the prior five friars, and six novices. [Dec. 30 regni.]

[70.] De la Pre[46], [Northamptonshire, Cluniac Nuns,] no subscriptions, only the common seal. 16 Dec.

[168.] Northallerton, Yorkshire, Carmelites, the prior, [five friars, and five novices.] 20 Dec.

[71.] Derby, Derbyshire, Dominicans, the prior and five friars. 3 Jan.

[162.] Newcastle, Franciscans, the warden, with eight friars and two novices. 9 Jan.

[160.] Newcastle, Austin [Friars, the prior eight friars, and three novices.] 9 Jan.

[161.] Newcastle, Dominicans, the prior and twelve friars. 10 Jan.

[164.] Newcastle, Carmelites[47], the prior, seven friars, and two novices. 10 Jan.

[163.] Walknoll, Newcastle, Trinitarian Friars, the prior. 10 Jan.

[45] [There is no day of December mentioned either in the original surrender or in the copy in the Close Roll.]

[46] [The following extracts throw some light on some of the surrenders of the two last months of this year. They are from a letter of Dr. London to Cromwell in the Camden Society's volume, p. 233, dated Oxon. Dec. 28. 'Mr. Williams I trust hath certified your lordship what we have done at Ensham and Notley, and at the Crowche Fryers at Newberye. And with the farmers of Ensham I have done my best diligence for syr George Darcye, and do trust that we shall come to some good conclusion. This day the late abbot, they, and I, shall meet again for that purpose. At Delapray beside Northampton I have taken the abbess' surrender. She is a good aged woman and lately had the king's charter for the continuance of her house; that notwithstanding, she willingly, without any refusal, rendered unto the king's majesty that charter which, with her and her sister's surrender, I have sent by this bearer, and according to your commandment have put Small, Mr. Hennage kinsman, in possession of the same.... I have also received the unwise letters written by the monks of the Charterhouse in Coventrye. There and at the priory I shall I trust accomplish the king's grace's pleasure and yours.' See another letter, ibid. p. 235.]

[47] [This surrender is printed at length, with the subscription of the friars, in Brand's History of Newcastle, vol. i. p. 63.]

[244.] Tinmouth[48], Northumberland, Benedictines, [the] prior, fifteen monks, three novices. 12 Jan.

[61.] Coventry, Warwickshire, Benedictines, the prior and twelve monks. 15 Jan.

[199. Pulton, Wiltshire, Gilbertines, of the order of Sempringham, the prior and two monks, 16 Jan.]

[63. St. Anne's] Coventry, [Warwickshire,] Carthusians, the prior and seven monks. 16 Jan.

[159. Newburgh,] Yorkshire, Austin Canons, the prior and seventeen monks. 22 Jan.

[27.] Bradenstock[49], Wiltshire, [Austin Canons,] the prior and thirteen monks. 18 Jan.

[201.] Richmond, Yorkshire, Franciscans, the prior and fourteen friars. 19 Jan.

[119.] Lacock, Wiltshire, [Austin] nunnery, the abbess[50]. 21 Jan.

[59.] Combe, Warwickshire, Cistercians, the *quondam*[51] abbot, [the abbot and] thirteen monks, 21 Jan.

[112.] Keynsham, Somersetshire, Austin Canons, the abbot and ten monks. 23 Jan.

[25.] Bolton[52], [in Craven,] Yorkshire, Austin Canons the prior and fourteen monks. 29 Jan.

[48] [The preamble of the surrender together with the signatures of the monks has been printed in Brand's History of Newcastle, vol. ii. p. 106, from the original in the Augmentation Office, and from Brand in Dugdale, iii. 320.]

[49] [An exact copy of the surrender of this priory has been printed as a specimen in the second appendix to the eighth report of the deputy keeper of the Public Records, p. 3.]

[50] [No signature.]

[51] [In the Close Roll he is not called *quondam*. Dr. London in an undated letter to Cromwell speaks of having despatched the Black Monks at Coventry, the Charterhouse, and Combe abbey, the abbot of which surrendered the day twelvemonth he was made master.' The despatching was 'something chargeable, for,' he says, 'I found there fifteen monks and sixty eight servants.' Ellis, 3. iii. p. 184.]

[52] [See a letter dated Dec. 15, to Cromwell from the commissioners, stating what monasteries in Yorkshire had surrendered, and adding that they had not received the instructions sent about Bolton; printed from Dodsworth's MSS. in Whitaker's History of Craven, p. 352.]

[58.] Cokersand, Lancashire, Premonstratensians, the abbot and twenty monks. 29 Jan.

[196.] Pollesworth[53], Warwickshire, [Benedictine] nunnery, no hands, only the seal. 31 Jan.

[180.] Nottingham, Carmelites, the prior and six friars, 5 Feb.

[179.] Nottingham, Franciscans, the warden and seven friars. 5 Feb.

[8.] Athelney, Somersetshire, Benedictines, the abbot and six monks. 8 Feb.

[36.] Buckland[54], Somersetshire, [Austin] nunnery, the prioress[55]. 10 Feb.

[235.] Taunton, Somersetshire, Austin Canons, the prior and eleven monks. 12 Feb.

[76.] Donkeswell, Devonshire, Cistercians, [the abbot and nine monks[56].] 14 Feb.

[195.] Poleslowe, [or Polleshoo,] Devonshire, [Benedictine,] nunnery, the prioress[57]. 14 Feb.[58]

[123. Legh, or] Canonlegh, Devonshire, [Austin] nunnery, no hands, but the seal. 16 Feb.

[101.] Hartland, Devonshire, Austin Canons, the abbot and four monks. 22 Feb.

[246.] Torr, Devonshire, Premonstratensians, the abbot and fifteen monks. 23 Feb.

[122.] Launceston, Cornwall, Austin Canons, the prior and eight monks. 24 Feb.

[34.] Buckfast, [or Buckfastleigh,] Devonshire, Cistercians, the abbot with ten monks. 25 Feb.

[35.] Buckland, Devonshire, Cistercians, the abbot [and twelve monks.] 27 Feb.

[23.] Bodmin, Cornwall, Austin Canons, the prior and eight monks. 27 Feb.

[53] [See Dugdale's Monasticon, ii. p. 363, for an interesting letter about this nunnery.]

[54] [Fuller, vi. p. 345, has printed what he calls a female patent; viz. the letters patent assigning a pension of 50*l.* to the prioress Katherine Bowser, dated May 10, anno regni 31.]

[55] [No signature.]

[56] [Some of these are in English, some in Latin.]

[57] [No signature.]

[58] [This date in the Close Roll is Feb. 19.]

[194.] Plimpton, Devonshire, Austin Canons, the prior and eighteen monks. 1 Mar.

[209.] St. German's, Cornwall, Austin Canons, the prior, [and] seven monks. 2 Mar.

[236.] Tavistock, Devonshire, Benedictines, the abbot and twenty monks. 3 Mar.

[88.] Forde, Devonshire, Cistercians, the abbot and thirteen monks. 8 Mar.

[153.] Middleton, Dorset, Benedictines, the abbot, bishop suffragan of Shaftesbury, and twelve monks. 11 Mar.

[1.] Abbotsbury, Dorsetshire, Benedictines, the abbot and nine monks. 12 Mar.

147 [233.] Tarent, Dorsetshire, [Cistercian] nunnery, the abbess and nineteen nuns. 13 Mar.

[21.] Bindon[59], Dorsetshire, Cistercians, the abbot and seven monks. 14 Mar.

[52.] Cerne[60], [or Serne,] Dorsetshire, Benedictines, the abbot and sixteen monks. 15 Mar.

[270.] Witham, Somersetshire, Carthusians, the prior and twelve monks. 15 Mar.

[212.] Sherborne, Dorsetshire, Benedictines, the abbot and sixteen monks. 18 Mar.

[158.] Montacute, Somersetshire, Cluniacs, the prior and thirteen monks. 20 Mar.

[211.] Shaftesbury, Dorsetshire, [Benedictine] nunnery, the abbess. 23 Mar.

[264.] Wilton, Wiltshire, [Benedictine] nunnery, the abbess[61]. 25 Mar.

[80.] Edindon, [or Hedington,] Wiltshire, Austin Canons, the rector and twelve monks. 31 Mar.

[99.] Hinton[62], [or Henton,] Somersetshire, Carthusians, the prior and sixteen monks. 31 Mar.

[59] [The date of this surrender in the Close Roll is March 10.]

[60] [The surrender of this abbey is printed, with the names of the monks, in the new edition of the Monasticon, ii. p. 628.]

[61] [No signature.]

[62] [The letters patent for the pension to Edmund Horde, the prior, bearing date 27 April, an. regni 31, are in Fuller vi. p. 341.]

[33.] Bruton, Somersetshire, Austin Canons, the abbot and fourteen monks. 1 April.

[108.] Hyde,[or Newminster,]Hampshire,Benedictines, the bishop of Bangor commendator, and twenty monks, in April, but no date[63].

Without date there are four[64].

[42. Austin Friars, Cambridge, the prior and three friars.]

[44.] Franciscans, Cambridge, the guardian and twenty-three friars.

[43.] Dominicans, Cambridge, the prior and fifteen friars.

[239.] Thetford, Dominicans, the prior [and five friars].

[127.] St. Mary [de] Pre, [Leicester, Austin Canons,] the abbot and nineteen monks[65].

Hospitals resigned this year.

[139. St. Thomas Acons or Acres Hospital, the master and one brother. 20 Oct.]

[257.] St. John [Baptist], Wells, the master and three brothers. 3 Feb.

[30. St. John Baptist,] Bridgewater, the master and seven brothers. 7 Feb.

[84.] St. John [Baptist,] Exeter, the master [or prior] and two brothers. 20 Feb.

[63] [Neither is the day of the month inserted fn the Close Roll.]

[64] [There are five; the author omitted No. 42.]

[65] [This abbey was surrendered before the 29th of August, as appears by a letter from Francis Cave to Cromwell, printed in the Camden's Society's volume, p. 163, and in Nichols' Leicestershire, i. 275.]

All the former resignations have the convent seals put to them, except those of some few houses of begging friars, which perhaps had no seals; they[66] *are also enrolled in the first, second, third, and fifth Close Rolls of that year. There are likewise some few more enrolled, of which the originals are lost, which follow.*

[lost.]	Hales-Owen, Salop, Premonstratensians, the abbot.	9 June.
[lost.	Walsingham, Norfolk, Austin Canons.	4 Aug.]
[lost.]	Clattercote, Gilbertines, the prior.	22 Aug.
[lost.]	Dieulacres, or Delycres, Staffordshire, Cistercians[68].	20 Oct.
[lost.]	Bath cathedral[67], Benedictines, the prior [and twenty monks].	27 Jan.
[lost.]	Brusyard, Suffolk, nunnery [of the order of St. Clare], the abbess [alone].	17 Feb.
[lost.]	Newenham, Devonshire, Cistercians, the abbot [and nine monks].	8 Mar.

[66] [There are several of these surrenders which are not enrolled.]

[67] [See the Monasticon, ii, p. 271, for a document by which the prior and convent paid an annual sum of 5*l.* to Cromwell for kindness shewn and to be shewn to them, dated 5 Feb. an. regn. 28.]

[68] [It appears from the letters of the suffragan bishop of Dover, printed in the Camden Society's volume, pp. 191–213, which seem to belong to this year, that a large number of houses of friars of which he seems to have been specially commissioned to take the surrenders, were resigned during the months of July and August. This fills up a gap which occurs in the catalogue of surrenders, which is not supplied by the Close Rolls. In one of these letters, dated from Lincoln the first Sunday of Lent, he says, 'I trusted to have made an end of the visitation, but I am certified that yet there be standing in the north part above twenty places of friars, as in Grantham, in Newarke, in Grymsseby, in Hull, in Beverley, in Scharborow, in Carlehyll, in Lancaster, and in diverse places more, for the which houses I will search so that I trust to leave but fewe in Ynglond before Ester.' In another, written at Gloucester May 23, he says, 'I have been at Norhthampton, at Coventre, at Aderstone, at Warwike, at Thelford, at Draytewich, at Wisitor, and now am at Gloscetur intending towards Bristowe.... In all these places I have set stays by indentures making and the common seals sequestering, so that now they have no shift to make, so that I think before the year be out there shall be very few houses able to live, but shall be glad to give up their houses and provide for themselves otherwise.' From another letter (p. 196.) it appears that Cromwell had accused him of leniency towards the friars. The manner of suppressing may be seen in a report printed p. 202, and in another letter p. 203, dated Aug. 13. In another letter of Aug. 25 he speaks of having received twenty-eight convents into the king's hands.]

Here follow the resignations made in the 31st year of the king's reign, of which the originals are yet extant. 148

[118.] Kyme, Lincolnshire, Austin Canons, the prior and nine monks. 6 July.

[109.] Irford, Lincolnshire, [Premonstratensian] nunnery, the prioress and seven nuns. 8 July.

[181.] Nuncotton, [or Cotham,] Lincolnshire, [Cistercian] nunnery, without subscriptions. 9 July.

[98.] Haynings Lincolnshire, [Cistercian] nunnery, no subscriptions. 11 July.

[90.] Fosse, Lincolnshire, [Benedictine] nunnery, the prioress[69]. 11 July.

[18.] Beauvale, Nottinghamshire, Carthusians, the prior and seven monks. 18 July.

[165.] Newstead[70], Nottinghamshire, Austin Canons, the prior and eleven monks. 21 July.

[55. Chich, or] St. Osith, Essex, Austin Canons, the abbot and fifteen monks. 28 July.

Haghmon[71], a commission to the bishop of Chester to take the surrender of it. 24 Aug.

[69] [No signature.]

[70] [All these houses from Kyme to Newstead are mentioned in a letter from Dr. London to Cromwell, dated from Oxford July 27. He says, 'I have taken the surrenders of Kyme, Noncotton, Irforthe, Fosse and Hevenynges .... After I had done with those five places in Lincolnshire Mr. Freman brought me a commission for the Charterhouse in Nottinghamshire, called Bowvale, and for a house of Canons called Newstede. Of Bowvale sir Johan Hussey hath the custody, and sir Johan Beryn of Newstede.' This letter is printed in the Camden Society's volume of letters from the Cotton MSS. Cleop. E. iv. fol. 237, where the date of this and several other letters is given wrongly.]

[71] [See the text of the History, p. 263. Upon it Wharton has the following remarks:

'From this passage it may appear how necessary it is for any one who undertaketh to write the history of our reformation to be well acquainted with the state of things before the reformation. Had this been done, many mistakes would have been escaped, and other contradictions, which accompany them, would have been avoided. It is here said that the commission to the bishop of Chester for the taking the surrender of Haghmon was dated the 24th of August .... It is somewhat unlikely that a commission should be given to the new bishop of Chester to take the surrender of a monastery in Shropshire, no part of his diocese. Who should this new bishop be? It is incredible that we should have

[83.]	Elstow, [or Alnestowe,] Bedfordshire, [Benedictine] nunnery, the abbess[72].	26 Aug.
[231.	Swinhey,] or Swina, Yorkshire, [Cistercian] nunnery, no subscriptions.	9 Sept.
[95.]	Haghmon, Salop, Austin Canons, the abbot and ten monks.	9 Sept.
[183.]	Nun Kelynge, Yorkshire, [Benedictine] nunnery, no subscription but the seal.	10 Sept.
[182.]	Nuneaton, [Warwickshire, Benedictine] nunnery, the prioress[73], twenty-seven crosses for subscriptions.	12 Sept.
[249.]	Ulvescroft[74], Leicestershire, [Austin Canons,] the prior and seven monks.	15 Sept.

altogether lost the name and remembrance of a bishop who acted in such a busy time. The first bishop of the new bishopric of Chester, which we can find, was John Bird, translated thither from Bangor. And of him we know that the see of Bangor was not void by his translation to Chester until the beginning of the year 1542. He therefore could not be that bishop of Chester to whom the commission was granted in 1539. I cannot sufficiently wonder that Mr. Fulman should be led into the same mistake; who alloweth the new bishopric of Chester to have been erected before the making of this act, but to have been afterwards surrendered and founded anew. For from the historian's *Collection of Records* it appears that the monastery of St. Werburg in Chester, in which the new bishopric is founded, was not surrendered till 1540. Jan. 20th, which alone overthrows all the conjectures of the historian and Mr. Fulman. In truth, the first charter for erecting the new bishopric of Chester was dated 1541. July 16th, but there being some mistake committed therein a new charter of foundation was granted 1541. August 5th, (the historian is mistaken when he puts afterwards, p. 300, August 4th,) and Bird, the first bishop, took possession in the beginning of the following year. The commission therefore, granted to the bishop of Chester for taking the surrender of Haghmon, was directed to the bishop of Lichfield (in whose diocese it was seated), which bishop, until the division of his diocese and erection of a new bishopric at Chester, was in writing and common speech as often called bishop of Chester as of Lichfield; as is well known to those who are acquainted with the state of the English church before and at the reformation.' Specimen of Errors, p. 49. The commission is printed at length in the Second Appendix to the Report already referred to. It is addressed to the bishop of Chester and sir William Sulyarde, knight.]

[72] [No signature.]

[73] [No signature.]

[74] [The preamble and conclusion of the surrender with the signatures of the prior and seven monks is printed in Nichols' Leicestershire, iii. p. 1089.]

[149.] Maryke, Yorkshire, [Benedictine] nunnery, the prioress[75]. 15 Sept.

[37.] Burnham, Bucks, [Austin] nunnery, the abbess and nine nuns. 19 Sept.

[136. London,] St. Bartholomew, Smithfield, [Austin Canons,] the prior[76]. 25 Oct.

[38.] Bury St. Edmunds, Suffolk, Benedictines, the abbot and forty-three monks. 4 Nov.

A commission for the surrender of St. Alborough, Cheshire[77]. 7 Nov.

[14.] Barking, Essex, [Benedictine] nunnery, the abbess[78]. 14 Nov.

[232.] Tame, Oxfordshire, [Cistercians, Robertus Kynge[79] Abbas,] and twelve monks. 16 Nov.

[186.] Oseney, [Austin Canons, Robertus Kynge, commendator,] and sixteen monks. 17 Nov.

[93.] Godstow[80], Oxfordshire, [Benedictine] nunnery, subscribed by a notary[81]. 17 Nov.

[225.] Studley, Oxfordshire[82], [Benedictine] nunnery, signed as the former. 19 Nov.

[208. St. Alban's, Hertfordshire, [Benedictines,] the abbot and thirty-eight monks. 5 Dec.]

[217.] St. Thomas, Southwark, the master and two brothers. 14 Jan.

[75] [No signature.]

[76] [No signature. There appear to have been thirteen canons pensioned.]

[77] [Of this commission the editor can discover no evidence.]

[78] [No signature.]

[79] [Instead of this name, which is printed here as it stands in the actual surrender in the Augmentation Office, the author had copied erroneously from the Rolls *Bp. Reonen.* and placed a marginal note opposite, saying, 'What this see was I cannot conjecture.' Strype's note upon this was as follows:]

'Perhaps *Roanen*: King, abbot of Oseney, had the title *Episcopus Roanansis*. He was afterwards bishop of Oxford. [S.

See Godwin de Præsulibus, p. 545, ed. 1743, where there is the following note, with a reference to Longland's Register: 'Abbas fuit de Thame, Episcopus Reonensis in partibus infidelium et episcopo Lincolniensi suffraganeus.']

[80] [There are no signatures. There is an interesting letter from the abbess, dated Nov. 5, stating that she would not surrender except at the king's commandment. The abbess wrote to Cromwell March 12th of the preceding year forwarding to him the patent of 'the stewardship of the monastery.' Ellis, 3. iii. p. 232.]

[81] [No signature.]

[82] [No signature.]

[260.] Westminster[83], Benedictines, the abbot and twenty-four monks. 16 Jan.

[240.] Thetford, Norfolk, [Cluniacs,] the prior and thirteen monks. 16 Feb.

[50.] A commission to the archbishop of Canterbury, for taking the surrender of Christ's Church Canterbury[84], 20 Mar.

[205.] And another for the surrender of Rochester, both dated[85]. 20 Mar.

[252.] Waltham, Essex, Austin Canons, the abbot and seventeen monks. 23 Mar.

[83] [This surrender is printed with the signatures from the original in the Monasticon, i. 320.]

[84] [With reference to the accusations made by the author, p. 241, against this abbey, Wharton has the following observations:

'The historian does not tell us by whom they were thus represented. For that would have marred all the history and have relieved the reputation of these monasteries. Not by the visitors surely; for the acts of their visitation of these places do not remain. The credit of the whole matter rests upon the authority of a vile pamphlet published soon after without a name, pretending to relate the enormous wickednesses discovered in the monasteries of England at their suppression. From this pamphlet Stevens transcribed these stories into his Apology for Herodotus, and from him Fuller took them into his Church History, from whom our historian received them. But Fuller is so ingenuous as to own from whence he took them; and to add that he thinks it not reasonable to believe such heinous accusations upon so slender testimony. We have some reason to reflect upon the complaint which our historian brings against Dr. Heylyn, that *he never vouched any authority for what he writ, which is not to be forgiven any who write of transactions beyond their own times*. I fear that upon computation it will not be found that our author has vouched any authority for so much as the third part of his history; and is especially deficient in those passages which tend to defame the memories of other men; in which, above all others, justice and charity would require that sufficient, or at least some testimony be produced.

But to return to Battle Abbey and Christ Church in Canterbury; I am not much concerned for either. Yet being willing to do justice to all men, I will not conceal that the accusation appears very improbable to me as far as Christ Church, Canterbury, is concerned in it; since I am well assured that Dr. Goldwell, the prior of it, who had governed it for twenty-three years before the dissolution, was a learned, grave, and religious person; and that, when it was founded anew, it is not to be supposed that archbishop Cranmer, employed by the king therein, would have taken into the new foundation any persons so scandalously wicked; yet twelve monks were taken into it, which exceedeth the number of just persons to be found in Sodom at the time of its destruction.' Specimen of Errors, p. 47.]

[85] [The surrender is not found.]

[255.] St. Mary Watton, Gilbertines, Robert bishop of Llandaff commendator, nine monks, and thirteen nuns. [enrolled Dec. 9.]

There is also in the Augmentation-Office a book[86] *concerning the resignations and suppressions of the following monasteries.*

St. Swithins, Winchester, [Benedictines; one priest and three not professed]. 15. Nov.

[86] [This book which the editor had the greatest difficulty in finding, owing to there being no catalogue, is numbered on the back K 45, and is lettered, 'Certificates of Monasteries in Southton Wilts, and Glouc. Temp. Hen. 8.' It is a large folio volume of 116 pages, on the first leaf of which is an Index in recent handwriting, shewing that the contents are in the following order, St. Swithins, p. 1. St. Mary Winton, p. 11. Wherwell, p. 17. Twinham, p. 23. Ambresbury, p. 31. Malmesbury, p. 39. St. Augustin's, p. 47. Billeswick, p. 53. Circestre, p. 59, &c. Bound up in this volume is a document which ought to have been in another place. It begins at p. 111 and is entitled 'The Inventory of all the plate, jewels, ornaments, vestments, ropes and bells of the cathedral church of the blessed Trinity in Winchester taken the third day of October, Anno Domini 1552.' The following letter printed in the Monasticon, vol. v. p. 689, from the Cotton MSS. Cleop. E. iv. fol. 254 b, throws some light on the dates, as well as on the hurried manner in which the surrenders were taken. It has also been printed in the volume of letters relating to the Suppression of the Monasteries issued by the Camden Society, No. XXVI. 1843. Both of these transcripts profess to be exact copies, but they have, nevertheless, many variations in the spelling of words and names:

'Our humble duties observed unto your good lordship it may like the same to be advertised that we have taken the surrender of the late monastery of Haylys, where we found the father and all his brethren very honest and comfortable persons; and the house clearly out of debt. Over that, the father had his house and grounds so well furnished with jewels, plate, stuff, corn, cattle, and the woods also so well saved as though he had looked for no alteration of his house. His arable land also was in like manner husbanded; no small number of acres ready sown with wheat, and the tilth seasonably ordered for barley; and did surrender his house with such discreet and frank manner as we have seen no other do better in all our journey. The house clearly dispatched and committed, according to the king's majesty's letters, unto the custody of Mr. Acton. We have from that house right honest sorts of jewels, plate, ornaments, and money, beside the garnishing of a small shrine, wherein was reposed the counterfeit relic in times past; which all we do safely reserve unto the king's highness' use; and thought it our parts to declare and signify unto your lordship this honest man's behav-

St. Mary, Winchester, [Benedictine nunnery, the abbess and twenty-two nuns.] 17 Nov.

Wherwell, Hampshire, [Benedictine nunnery, the abbess and twenty-four nuns.] 21 Nov.

Christ's-Church, Twinham, [Austin Canons,] the commendator thereof is called *bishop of Neapolitane*, [and eighteen monks]. 28 Nov.

Ambresebury, [or Amesbury, Benedictine nunnery, the prioress and thirty-three nuns]. 4 Dec.

St. Augustin's, nigh Bristol, [Austin Canons, the abbot and eleven monks.] 9 Dec.

149 [Gaunt's[87] or] Billesswick, nigh Bristol, [the master and three brethren.] 9 Dec.

Malmesbury, [Benedictines, the abbot and twenty-two monks.] 19 Dec.

Cirencester, [Austin Canons, the abbot and sixteen monks.] 19 Dec.

Winchcombe, [Benedictines, the abbot and seventeen monks]. 23 Dec.

iour and doings, to the intent he might have at your hands condign praise and thanks for his true dealing; and to humbly desire your lordship to be good lord unto him as his full trust is ye will be. We have despatched Haylys and Winchcombe and now be at Glocestre, where we have taken the surrender, and be diligently travelling for a new order to be set there, wherein we find the more difficulty, for that as yet, the king's highness hath not determined his pleasure upon the master that shall have the governance of this congregation. From Glocestre we go to Teuxbery, where this week we trust clearly to make a final conclusion of all our commissions for this shire, as we have now done in Hampshire and Wiltshire, and shall use no less diligence for the next of Worcestershire, by the grace of Almighty God, who with increase of much honour long preserve your good lordship. At Glocestre, 4 Jan.'

Your lordship most humbly
to be commanded,
Robert Sowthwell.
Edward Carne.
Ri Gwent.
Johan London.
William Berners.
Johan Arnold.
Johan ApRice.
Rycharde Poulet.']

[87] [The editor has been unable to ascertain anything about this Hospital; except that it was visited by Layton who wrote as follows to Cromwell.

'Please it your mastership to understand that yesternight late we came from Glassynburie to Bristowe to saint Austin's, whereas we begin this morning intending this day to despatch both this house here, being but fourteen canons, and also the Gawntes wherein be four or five.' Letters, p. 58. The date of this is Aug. 24, but no date of the year is given.]

Hayles, [Gloucestershire, Cistercians, the abbot and twenty-one monks.]	24 Dec.
St. Peter's, Gloucester, [Benedictines, the prior and twelve monks.]	2 Jan.
Tewkesbury, [Benedictines, the abbot and thirty-five monks].	9 Jan.

There are also several other deeds enrolled, which follow.

St. Mary-Overhay, in Southwark, [Austin Canons, the prior and eleven monks.]	27 Oct.
St. Michael, near Kingston upon Hull, Carthusians. [the prior and six monks.]	9 Nov.
Burton upon Trent, Staffordshire, [Benedictines.]	14 Nov.
[Hanepole, or] Hampole, Yorkshire, [Austin nunnery, the prioress and eighteen nuns.]	19 Nov.
St. Oswald, [of Nostel, or Nestelhoo,] Yorkshire, [Austin Canons, the prior and twenty-eight monks.]	20 Nov.
Kirkstall[88], Yorkshire, [Cistercians.]	22 Nov.
Pontefract, Yorkshire, [Cluniacs, the prior, eleven monks, and one novice].	23 Nov.
Kirklees, [or Kirkleghes,] Yorkshire, [Cistercian nunnery.]	24 Nov.
Ardington, [or Arthington,] Yorkshire, [Benedictine nunnery, the prioress and nine nuns.]	26 Nov.
Fountains, Yorkshire, [Cistercians, the abbot and thirty-one monks.]	26 Nov.
St. Mary's, York, [Benedictines, the abbot, forty-nine monks and a novice.]	29 Nov.
St. Leonard's[89], York, [Austin Hospital.]	1 Dec.

[88] [The surrender of this abbey is printed in the Monasticon, vol. v. p. 550, from the copy in the possession of Ralph Thoresby Esq. of Leeds. It appears to have several mistakes.]

[89] [The following letter from the commissioners of the north to Cromwell, is printed from the Cotton MSS. Cleop. E. iv. fol. 242, in the volume of letters relating to the Suppression of Monasteries. The editor of that volume has mistaken the year to which it belongs, which is evidently the 31st of the king's reign, i. e. 1539.

'After most humble commendations to your good lordship, pleaseth it the same to be advertised that we have altered Burton upon Trent and, according to the king's highness' commission and instruction, we have dissolved the houses of Hampole, Sancte Oswaldes, Pontefracte,

Nunappleton, Yorkshire, [Cistercian] nunnery, [the subprioress and eighteen nuns]. 5 Dec.
St. German's Selby, Yorkshire, [Benedictines, the abbot and seventeen monks]. 6 Dec.
Melsa, [or Meaux,] Yorkshire, [Cistercians, the abbot and twenty-four monks]. 11 Dec.
Malton, Yorkshire, [Gilbertines.] 11 Dec.
Whitby, Yorkshire, [Benedictines.] 14 Dec.
Alba Landa, Northumberland, [Premonstratensians, the abbot and fourteen monks]. 18 Dec.
Mountgrace [de Ingleby,] Yorkshire, Carthusians, [the prior, sixteen monks and three novices.] 18 Dec.
Alnewick, Northumberland, Premonstratensians. 22 Dec.
Gisburn, [or Gysburgh] Yorkshire, Austin Canons. 22 Dec.
Nesseham, [or Nesham,] Durham, [Benedictine nunnery.] 29 Dec.
St. Cuthbert's cathedral of Durham, [Benedictines.] 31 Dec.
St. Bartholomew in Newcastle, [Benedictine] nunnery, [the prioress and eight nuns]. 3 Jan.
Hepp, [or Shapp,] Westmoreland, Premonstratensians, [the abbot and fourteen monks]. 4 Jan.
Egleston, Richmondshire, [Premonstratensians] 5 Jan.
St. Mary Carlisle, Cumberland, [Austin Canons.] 9 Jan.
St. Werburg's, Chester, [Benedictines.] 20 Jan.
St. Mary's Chester, a [Benedictine] nunnery. 21 Jan.
St. Peter's, Shrewsbury, [Benedictines, the abbot and seventeen monks]. 24 Jan.

Sancte Maries, in Yourke, Nonappleton and Selbye, and also altered the house of Sancte Leonerdes in Yourke, after such order and fashion as we trust shall appear to your lordship to be to the king's honour and contentation. Albeit we could not make despatch in part of the said places without some difficulty as your lordship shall perceive at our repair to London, further certifying your lordship that we have taken the shrines in all such places as we have yet hitherto repaired, unto the king's use, and forasmuch as we have no commission on that behalf we beseech you that we may have a commission for that purpose bearing date of the other commissions, to shew if need shall require. And thus our Lord ever preserve your good lordship in much honour. At Selbie the 8th day of December.

Yours at commandment.

Waltere Hendle.
Richarde Layton.
Thomas Legh.
Rychard Belassys.
Richard Watkyns.]

St. Milburg, Wenlock, Salop, [Cluniacs, the prior and twelve monks]. 26 Jan.[32]

[32] [See the text of the History, p. 267, where the author states that there are fifty-seven surrenders on record belonging to the thirty-first year of the king's reign. His own catalogue enumerates seventy-one. Probably he discovered the book of which an account is given in note 86. p. 254, after writing this portion of his work, as the omission of the thirteen houses contained in this book, would reduce the number to fifty-eight, which the author carelessly counted as fifty-seven. The real number in the present catalogue, exclusive of the four commissions, is seventy-three, one having been added to the author's list, viz. No. 208, St. Alban's, the surrender of which is in the Augmentation Office, and bears date Dec. 5, and one having been transferred from the previous year, viz. No. 217, Southwark Hospital. The author in the text mentions St. Alban's as amongst those surrendered this year. He adds that Godstow fell with the rest, though among the last of them. By referring to the dates it will be seen that this statement is also erroneous. The author has most unaccountably included Battle in the surrenders of this year. By reference to the catalogue it will be seen that this abbey was surrendered May 27th of the previous year. He has also miscalculated the numbers of abbeys and nunneries respectively. In the next page he goes on to say that hospitals were next looked after, and that one of these was surrendered this year by Thomas Thirlby with other two priests, and that he was master of S. Thomas' Hospital in Southwark. This is a correct statement, yet he classed this hospital amongst others said to be surrendered in the previous year, giving also a wrong date of the month and mentioning only one of the two brethren who sign the surrender with the master. He has taken no notice in the History of the hospitals resigned the previous year, nor of that of St. Leonard's at York, which he has rightly placed among the surrenders of this year, as well as that of St. Bartholomew's, London. The deeds of surrender of several other hospitals exist in the Augmentation Office. They are dated chiefly from the thirty-fifth to the thirty-eighth year of the king's reign, and correct copies of them may be seen in the Appendix to the report already referred to.]

SECTION IV. [p. 237.]

IT seems there was generally a confession made with the surrender: of these some few are yet extant, though undoubtedly great care was taken to destroy as many as could be in queen Mary's time. That long and full one made by the prior of St. Andrew's in Northampton, the preamble whereof is printed by Fuller, and is at large printed by Weaver, is yet preserved in the Augmentation-Office. There are some few more also extant, six of these I have seen, one of them follows:

150 FORASMUCH AS WE Richard Grene, abbot of the monastery of our blessed lady saint Marye of Bytlesden, and the convent of the same monastery, do profoundly consider, that the manner and trade of living, which we and other of our pretensed religion have practised, and used many days, doth most principally consist in certain dome ceremonies, and in certain constitutions of the bishops of Rome, and other forinsecal potentates, as the abbot of Cystuns, and therein only misled[33], and not taught in the true knowledge of God's laws, procuring always exemptions of the bishops of Rome from our ordinaries and diocesans: submitting ourselves principally to forinsecal potentates and powers, which never came here to reform such disorder of living and abuses, as now have be found to have reigned among us. And therefore now assuredly knowing, that the most perfect way of living is most principally and sufficiently declared unto us by our master Criste, his evangelists and apostles, and that it is most expedient for us to be governed and ordered by our supreme head, under God, the king's most noble grace, with our mutual assent and consent, do most humbly submit ourselves, and every one of us, unto the most benign mercy of

[33] [This word is written *nosolyde*. The person who wrote the document evidently did not understand it, and it has been copied into the Rolls, from which Rymer printed it, correctly, except that he made two words of it, *no solyde*. The author printed the word in both the surrenders *noseled*. But by a comparison of the rest of the surrenders in the Augmentation Office, and the copies in the Close Rolls, there is no doubt that the word meant is *misled*.]

the king's majesty; and by these presents do surrender[34] [and yield up unto his most gratious hands all our said monastery, with all the lands spiritual and temporal, titles, rents, reversions, rights and revenues we have in all and in every part of the same, most humbly beseeching his grace so to dispose of us and of the same as shall seem best unto his most gracious pleasure. And further in like humble manner desiring his most noble grace to grant unto every one of us, under his letters patent, some annuity or other manner of living whereby we may be assured to have our sustenance in time coming. And further to grant unto us freely his license to change our habits into secular fashion, and receive such manner of living as other secular priests be wont to have. And we all and every one of us shall faithfully pray unto Almighty God long to preserve his grace with increase of much felicity. IN WITNESS whereof we have subscribed our names and put our convent seal unto these presents, the 25th day of September, in the 30th year of the reign of our sovereign lord king Harrye the Eighth.

By me, Rychard Grene, abbott.
By me, Thomas Todd, subprior.
By me, Robertus Weston.
By me, Johannes Northethampton.
By me, Robert Northampton.
By me, John Bradley.
By me, Richard Brakley.
By me, James Schalstum.
By me, John Aukland.
By me, Rycard Shepyshed.
Per me, Ricardum Morum.
Per me, Thomam Aston.]

[34] [The author printed this document very incorrectly as far as this word *surrender*. Adding, *The surrender follows in common form, signed by the abbot, subprior, and nine monks, 25 September, regni* 30. It has been thought desirable to print the whole resignation as it is in the Augmentation Office, as there is no copy of it printed elsewhere, and the document in the Rolls, from which Rymer copied, does not precisely resemble it. The signatures, some of which are very difficult to make out, are printed according to the copy in the second Appendix to the Eighth Report of the Deputy Keeper of the Public Records. The author speaks of nine monks, the catalogue gives ten; but there are really eleven, the name of Richard Brakley being under the fold, and so having escaped the notice of the transcriber.]

There are others[35] to the same purpose, signed by the guardian and seven Franciscans at Aylesbury, the first of October. By the Franciscans at Bedford, the third of October. The Franciscans in Coventry the fifth of October[36]. And the Franciscans in Stamford the eighth of October[37]. And the Carmelites in Stamford upon the same day, which I shall also insert, the former four agreeing to it.

FORASMUCH AS we the prior and friars of the house of Carmalytts in Stanforde, commonly called the Whytt-Fryers in Stanforde, in the county of Lyncolne, do profoundly consider that the perfection of Cristyan living doth not consist in dome ceremonies, wearing of a white coat, disguising ourselves after strange fashions, ducking and becking, wearing scapulers and hoods, and other-like papistical ceremonies, wherein we have been most principally practised and misled in times past; but the very true way to please God, and to live a true Cristyan man, without all hypocrisy and feigned dissimulation, is sincerely declared unto us by our master Criste, his evangelists, and apostles; being minded hereafter to follow the same, conforming ourselves unto the will and pleasure of our supreme head under God in earth, the king's majesty; and not to follow henceforth the superstitious traditions of any forinsecal potentate or power, with mutual assent and consent, do submit our selves unto the mercy of our said sovereign lord, and with the like mutual assent and consent do surrender [and yield up unto the hands of the same all our said house of Carmalytts in Stanforde, commonly called the Whytt Fryers in Stanforde, with all lands, tenements, gardens, meadows, waters, pondyards, fedyngs, pastures, commons, rents, reversions, and all other our interests, rights or titles appertaining unto the same, most humbly beseeching his most noble grace to dispose of us and of the same as best shall stand with his most gracious pleasure. And further, freely to grant unto every one of us his license,

[35] [All of these have been printed from the Close Rolls by Rymer, xiv. p. 610 sqq.]

[36] [This surrender has been printed from the original in the Augmentation Office in Dugdale's Warwickshire, p. 183.]

[37] [An exact copy of this surrender has been printed from the original in the Augmentation Office, in the second Appendix to the Eighth Report of the Deputy Keeper of the Public Records which appeared in 1847.]

under writing and seal, to change our habits into secular fashion, and to receive such manner of living as other secular priests commonly be preferred unto.

And we all faithfully shall pray unto Almighty God long to preserve his most noble grace with increase of much felicity and honor. And in witness of all and singular the premises we, the said prior and convent, the Whytt fryers in Stanforde, to these presents have put our convent seal, the 8th day of October, in the 30th year of the reign of our most sovereign lord king Harrye the Eighth.]

Signed by the prior and six friars.

[*The signatures are as follow :*

Per me fratrem, Johannem Kyrtum, priorem̃ ibidem.
Per me, Georgium Durwyn.
Per me, Thomam Jefferye.
Per me, Otywellem Priston.
Per me, Robertum Bolonde.
Per me, Andream Richardson.
Per me, Henricum Ivis.]

151 SECTION V. [p. 268.]

Of the manner of suppressing the monasteries after they were surrendered.

THE reader will best understand this by the following account of the suppression of the monastery of Tewkesbury, copied from a book[1] that is in the Augmentation Office, which begins thus:

THE CERTIFICATE OF ROBERT SOUTHWELL, esquire, William Petre, Edwarde Carne, and John London, doctors of law: John Ap Rees, John Kingesmyll, Richard Paulet, and William Berners, esquires, commissioners assigned by the king's majesty, to take the surrenders of divers monasteries, within the same counties, by force of his grace's commission to them, six, five, four or three of them, in that behalf directed; bearing date at his highness' palace of Westminster, the 7th day of November, in the 31th year of the reign of our most dread sovereign lord Henry the Eighth, by the grace of God, king of Englande, and of Fraunce, defender of the faith, lord of Irelande, and in earth immediately under Crist supreme head of the church of Englande, of all and singular their proceedings, as well in and of those monasteries by his majesty appointed to be altered, as of others to be dissolved, according unto the tenor, purport and effect of his grace's said commission; with instructions to them likewise delivered, as hereafter ensueth.

[1] [This book is the same with that alluded to in note 86. p. 254. The certificates of the monasteries in the county of Gloucester begin at p. 59, that of Tewkesbury at p. 83. The whole form has been printed in Dugdale's Monasticon from the same book, for the cases of Christ Church Twinham, and Wherwell. This particular document was copied from Burnet and inserted in Willis' Mitred Abbeys, where it appears with some of the more glaring mistakes corrected from conjecture. From Willis it was copied into the Monasticon with reference to Burnet, with some errors of the press. It now appears for the first time corrected from the original. Independently of omissions it contained about thirty mistakes of copying.]

COM. GLOUCESTER.

TEWKESBURY LATE MONASTERY,

SURRENDERED TO THE USE OF THE KING'S MAJESTY, and of his heirs and successors for ever by deed thereof made, bearing date under the convent seal of the same late monastery, the 9th day of January, in the 31th year of the reign of our most dread victorious sovereign lord king Henry the Eighth: AND the said day and year clearly dissolved and suppressed.

THE CLEAR YEARLY VALUE OF ALL THE POSSESSIONS belonging to the said late monastery.

	£	s.	d.
AS WELL spiritual as temporal, over and besides £136 8*s.* 1*d.* in fees, annuities, and corrodies, granted to divers persons by letters patents under the convent-seal of the said late monastery for term of their lives.	1595	15	6

WHEREOF IN PENSIONS ASSIGNED TO THE LATE RELIGIOUS DISPATCHED; THAT IS TO SAY, TO

	£	s.	d.	
John Wiche, late abbot there	266	13	4	152
John Beley, prior there	16	0	0	
John Bromesgrove, prior of Derehurste	13	6	8	
Robert Circester, prior of St. James	13	6	8	
William Didcote, prior of Craneborne	10	0	0	
Robert Cheltenhem, bachelor of divinity	10	0	0	
Edmond Stanley	6	13	4	
Thomas Stourton	6	13	4	

Thomas Winchecombe	6	13	4
Thomas Lemynton	6	13	4
John Cheltenham	6	13	4
Roger Compton	6	13	4
Thomas Twynynge	6	13	4
Richard Compton	8	0	0
Thomas Teynton	6	13	4
John Morley	6	13	4
John Tewkesburie	6	13	4
Thomas Leckehampton	6	13	4
William Streynsham	6	13	4
Robert Aston	6	13	4
John Ashton	6	13	4
John Gales	6	13	4
Edward Stanwere	6	13	4
Thomas Bristow	6	13	4
John Derehurst	6	13	4
John Hartland	6	13	4
Thomas Newport	7	0	0
Roger Preston	6	13	4
John Evisham	6	13	4
Phillip Kardiff	8	0	0
Thomas Thorneburie	6	13	4
Henry Worcester	6	13	4
Richard Cheltenham	6	13	4
Giles Marlowe	6	13	4
Richard Goderton	6	13	4
Thomas Craneborne	6	13	4
John Welnesford	6	0	0
Alexander Beley	6	0	0
Richard Wymborne	6	0	0
[2]	551	6	8
And so remaineth clear,	1044	8	10
	1595	15	6

[2] [The editor has thought it best to print this document at length with all the names. The author left it in a hopeless state of confusion, having copied it as far as the name of Robert Cheltenhem and then

RECORDS AND EVIDENCES

BELONGING TO THE SAID LATE MONASTERY,

Remain in the treasury there under the custody of John Whittington, knight, the keys thereof delivered to Richard Poulet receiver.

HOUSES AND BUILDINGS

ASSIGNED TO REMAIN UNDEFACED.

The lodging called the New Warke, leading from the gate to the late abbot's lodging, with buttery, pantry, cellar, kitching, larder and pastry thereto adjoyning. The late abbot's lodging, the hostery, the great gate entring into the court, with the lodging over the same; the abbot's stable, bakehouse, brewhouse and slaughterhouse, the almery, barn, dairyhouse, the great barn next Aven, the maltinghouse, with the garners in the same, the oxhouse in the Barton, the Barton-gate, and the lodging over the same.

Committed to the custody of John Whittington, knight.

adding, 'Two monks £8 a piece, £16, one monk £7, twenty-seven monks £6 13*s.* 4*d.* each, £180.' And then giving the sum total, '£551 6*s.* 8*d.*' He had not attempted to verify it by addition. His description, however, was correct, with the exception of the last three names, which were omitted, and which at £6 each would have added £18 to the result. If the reader will take the trouble to add up the different sums which have been correctly printed here, he will find that the total is £550 6*s.* 8*d.* It is not likely that the commissioners made a mistake in their accounts, and the editor conjectures that the sum of £7 placed against the name of Thomas Newport is an error of the scribe for £8 which will make the sum total correct. It is very remarkable that these names have been twice printed from another original, a book of pensions in the Augmentation Office, by Willis, p. 69 of the Appendix to the first volume of his Mitred Abbeys, and from the same in the last edition of the Monasticon, vol. ii. p. 83. Both of these last are full of errors of spelling, and in neither case has any attempt been made to reconcile the discrepancies between the particulars and the sum total. These lists differ from this catalogue in mentioning the different occupations of several of the monks. And whereas in Willis, Thomas Newport the sub-sexton is put down, as in the above list, as having a pension of £7, he is in the Monasticon pensioned with £6 13*s.* 4*d.* The names here printed have, as in all the other records in this edition, been copied exactly from the originals.]

DEEMED TO BE SUPERFLUOUS

The church, with chappels, cloisters, chapterhouse, misericord, the two dormitories, the infirmary, with chapels and lodgings within the same; the workhouse, with another house adjoining to the same, the convent kitchen, the library, the old hostery, the chamberers lodging, the new hall, the old parlor adjoining to the abbot's lodging; the cellarers lodging, the poultry-house, the garner, the almery, and all other houses and lodgings above not reserved.

Committed as above said.

LEADS REMAINING UPON

The quire, iles, and chapels annext the cloister, chapterhouse, fratry, St. Michael's chapel, hall, farmory, and gate-house esteemed to	180 foder.

BELLS REMAINING.

In the steeple there, eight poize, by estimation.	14600 weight.

153 JEWELS RESERVED TO THE USE OF THE KING'S MAJESTY.

Mitres garnished with gilt, ragged pearls, and counterfeit stones.	2.

PLATE OF SILVER RESERVED TO THE SAME USE, VIZ.

Silver gilt	329 ounces.	1431 [ounces.]
Silver parcel gilt	605 ounces.	
Silver white	497 ounces.	

ORNAMENTS RESERVED TO THE SAID USE, VIZ.

One cope of silver tissue, with one chesible, and one tunicle of the same; one cope of gold tissue, with one chesible and two tunicles of the same.

SUM OF ALL THE ORNAMENTS, GOODS AND CHATTELS, BELONGING TO THE SAID LATE MONASTERY.

	£	s.	d.
Sold by the said commissioners, as in a particular book of sales thereof made ready to be shewed, as more at large may appear.	194	8	0

WHEREOF IN PAYMENTS

TO THE LATE RELIGIOUS AND SERVANTS DISPATCHED.

To thirty-eight late religious persons of the said late monastery of the king's Majesty's reward.	80	13	4
To an hundred and forty-four late servants of the said late monastery, for their wages and liveries.	75	10	0
	156	3	4

FOR DEBTS OWING BY THE SAID LATE MONASTERY.

To divers persons for victuals and other necessaries of them had to the use of the said monastery, with £10 paid to the late abbot there, for and in full payment of £124 5*s.* 4*d.* by him to be paid to certain creditors of the said late monastery, by covenants made with the aforesaid commissioners.	18	12	0
	174	15	4
And so remaineth clear,	19	12	8

Then follows a list of some small debts owing to and by the said monastery. [*Which is as follows:*

DEBTS OWING

TO THE SAID LATE MONASTERY, VIZ. BY

	£	s.	d.
RAAF Northwood Esquire, for and in part of payment of the following for the fine of the manor and parsonage of Teynton to have in ferme for term of years; else he prayeth to be restored to £40 which hath payment for the same.	60	0	0
GEORGE Throgmorton, gent., for and in part of payment of £58 6*s.* 8*d.* for his fine for the cell of Derehurst to have in ferme	29	13	4
	389	13	4

BY THE SAID LATE MONASTERY, VIZ.

TO Alexander Pary by obligation	115	0	0
TO William Bush for so much money of him received by the said late abbot and convent for a lease by them to be made to the said William of the mills and parsonage of Teinton which was not performed nor the money restored	60	0	0
TO the executors of the late William Dewy for diverse kinds of ..... of him had to the use of the said late monastery by obligation	36	8	4
	211	8	4]

Then follows a list of the livings in their gift.

[PATRONAGE OF CHURCHES BELONGING TO THE SAID LATE MONASTERY.

COM. VILL. GLOUC.

The parsonage of Seint Aldate.

[3] [In the margin here is scribbled a note which is quite illegible.]

The parsonage of Culne Seint Dennys.
The parsonage of Wolston.
The vicarage of Thornebury.
The vicarage of Marsfold.
The vicarage of Ampney.
The vicarage of Stauwey.
The vicarage of Fayreford.
The vicarage of Preston upon Stowre.
The vicarage of Aylmondeston.
The vicarage of Starton, al. Staneton.
The vicarage of Lye.
The vicarage of Wotton under Hedge.

COM. WIGORN.

The parsonage of Pyrton.
The parsonage of Seint Andrew's in Droitewiche.
The vicarage of Trynley.
The vicarage of Core.

COM. WARWIC.

The parsonage of Shevynden.
The parsonage of Athorston.

COM. VILL. BRISTOLL. 154

The parsonage of the holy Trynyte.
The parsonage of Seint Peter's.
The parsonage of Seint Myhhelle.
The parsonage of Seint John.
The parsonage of Seint Andrew.
The parsonage of Seint Philip and James.

COM. WILTES.

The vicarage of Assheton.
The vicarage of Shorston.

COM. OXON.

The vicarage of Teinton.
The vicarage of Marlowe.
The parsonage of More.

COM. DORS.

The vicarage of Craneborne.
The vicarage of Tarrunt Moncketon.
The parsonage of Frome, Seint Quintyn.
The parsonage of Aisshemere.
The parsonage of Chetill.
The parsonage of Pentriche.

COM. SOMERS.

The parsonage of Burnet.
The parsonage of Bathe.
The parsonage of Welles.

COM. DEVON.

The vicarage of Chetilhampton.

COM. CORNUB.

The vicarage of Wenne.
The vicarage of Crelbenne.

COM. GLAMORGAN AND MORGAN[4].

The vicarage of Kerdiff.
The vicarage of Penmarke.
The vicarage of Lantwith.
The vicarage of Lantrisson.
The vicárage of Lanblethian.

[3] [This is printed exactly as it stands in the original, as likewise are all the names of the parishes, some of which it is difficult to recognise. There can be no doubt Morgan is an error of the scribe for Monmouth; four of the five vicarages are in Glamorganshire. The remaining one, viz., Lantrisson, is probably Llantrissent, near Usk, in Monmouthshire, though it may possibly be meant for Llantrisant, near Cardiff, in Glamorganshire.]

Addenda, Number I. [p. 217.] 305

Articles[1] *about religion, set out by the convocation, and published by the king's authority. An original.*

Cotton lib. Cleop. E. v. fol. 59.

HENRY the Eight, by the grace of God, king of England, and of France, defender of the faith, and lord of Ireland, and in earth supream head of the church of England, to all and singular our most loving, faithful and obedient subjects, greeting.

Amongst other cures committed unto this our princely office, whereunto it hath pleased God of his infinite mercy and goodness to call us, we have always esteemed and thought (as we also yet esteem and think) this to be most chief, most ponderous, and of most weight, that his holy word and commandments may sincerely without lett or hindrance, be of our subjects truly believed, and reverently kept and observed; and that unity and concord in opinions, namely in such things as doth concern our religion, may encrease and go furthward, and all occasion of dissent and discord touching the same be repressed, and utterly extinguished.

For the which cause we being of late, to our great regret, credibly advertised of such diversity in opinions, as have grown and sprongen in this our realm, as well concerning certain

[1] [These articles appear in the 'Formularies of Faith,' published at Oxford in 1825, by bishop Lloyd. They were printed with all the alterations introduced by the editor of the 1816 edition of Burnet's Reformation. They were first printed in 1536. 'Londini in ædibus Thomæ Bertheleti Regii Impressoris,' under the title of 'Articles devised by the kinges highnes majestie, to stablyshe Christen quietnes and unitie amonge us, and to avoyde contentious opinions, which articles be also approved by the consent and determinations of the hole clergie of this realme.' The bishop considering that this volume contained the most authentic record of the Articles, reprinted them also in the Formularies from it, adding, that 'it seems reasonable to suppose that the Cotton MS. contains the articles as they were prepared by convocation before they were finally submitted to the king; an hypothesis confirmed by the observation .... that the principal variations occur in the king's declaration, and more especially by a remarkable difference at the conclusion of the article of *Praying to saints*, where the Cotton MS. has *by the commandment of the supreme head*, the printed volume, *by the commandment of* US *the supreme head*; the word US having in all probability been inserted by the king's own hand.]

articles necessary to our salvation, as also touching certain honest and commendable ceremonies, rites, and usages in our said church, for an honest policy, and decent order heretofore of long time used and accustomed; minding to have that unity and agreement established through our said church concerning the premisses: and being very desirous to eschew not only the dangers of souls, but also the outward inquietness which by occasion of the said diversity in opinions (if remedy had not been provided) might perchance have ensued; have not only in our own person at many times taken great pain, study, labour and travail, but also have caused our bishops and other the most discreet and best learned men of our clergy of this our whole realm to be assembled in our convocation, for the full debatement and quiet determination of the same: where after long and mature deliberation and disputations had, of and upon the premisses, finally they have concluded and agreed upon the said matters, as well those which be commanded of God, and are necessary to our salvation, as also the other touching the honest ceremonies, and good and politic orders, as is aforesaid; which their determination, debatement, and agreement, forasmuch as we think to have proceeded of a good, right and true judgment, and to be agreeable to the laws and ordinances of
306 God, and much profitable for the establishment of that charitable concord and unity in our church of England, which we most desire, we have caused the same to be published, willing, requiring and commanding you to accept, repute, and take them accordingly; most heartily desiring and praying Almighty God, that it may please him so to illumine your hearts, that you, and every of you, may have no less desire, zeal, and love to the said unity and concord, in reading, divulging, and following the same, than we have had and have, causing them to be thus devised, set forth and published. And for because we would the said articles, and every of them, to be taken and understanden of you after such sort, order, and degree as appertaineth accordingly; we have caused by the like assent and agreement of our said bishops and other learned men, the said articles to be divided into two sorts, that is to say, such as are commanded expressly by God, and are necessary to our salvation, and such other, as although they be not expressly commanded of God, nor necessary to our salvation; yet being of a

long continuance for a decent order and honest policy, prudently instituted, are for that same purpose and end to be observed in like manner; which ye following, after such sort as we have prescribed unto you, shall not only attain that most charitable unity and loving concord, whereof shall ensue your incomparable commodity, profit, and lucre, as well spiritual as other; but also ye conforming yourselves, and using these our said articles as is aforesaid, shall not a little encourage us to take further travail, pains and labours for your commodities in all such other matters, as in time to come may happen to occur, and as it shall be most to the honour of God and ours, the profit, tranquillity, and quietness of all you our most loving subjects.

The articles of our faith.

FIRST, as touching the chief and principal articles of our fath, sith it is thus agreed, as hereafter followeth by the whole clergy of this our realm, we will that all bishops and preachers shall instruct and teach our people, by us committed to their spiritual charge, that they ought and must most constantly believe and defend all those things to be true, which be comprehended in the whole body and canon of the Bible, and also in the three creeds or symbols, whereof one was made by the apostles, and is the common creed which every man useth; the second was made in the holy council of Nice, and is said daily in the mass; and the third was made by Athanasius, and is comprehended in the psalm *Quicunque vult;* and that they ought and must take and interpret all the same things according to the self same sentence and interpretation, which the words of the self same creeds or symbols do purport, and the holy approved doctors of the church do intreat and defend the same.

Item, That they ought and must repute, hold and take all the same things for the most holy, most sure, and most certain, and infallible words of God, and such as neither ought, ne can be altered or convelled by any contrary opinion or authority.

Item, That they ought and must believe, repute and take all 307

the articles of our faith contained in the said creeds to be so necessary to be believed for man's salvation, that whosoever being taught will not believe them as is aforesaid, or will obstinately affirm the contrary of them, he or they cannot be the very members of Christ and his espouse the church, but be very infidels or heretics, and members of the Devil, with whom they shall perpetually be damned.

Item, That they ought and must most reverently and religiously observe and keep the self-same words, according to the very same form and manner of speaking, as the articles of our faith be already conceived and expressed in the said creeds, without altering in any wise, or varying from the same.

Item, That they ought and must utterly refuse and condemn all those opinions contrary to the said articles, which were of long time past condemned in the four holy councils, that is to say, in the council of Nice, Constantinople, Ephesie, and Chalcidonense, and all other sith that time in any point consonant to the same.

The Sacrament of Baptism.

SECONDLY, As touching the holy sacrament of baptism, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that they ought and must of necessity believe certainly all those things, which hath been always by the whole consent of the church approved, received and used in the sacrament of baptism; that is to say, that the sacrament of baptism was instituted and ordained in the New Testament by our Saviour Jesus Christ, as a thing necessary for the attaining of everlasting life, according to the saying of Christ, *Nisi quis renatus fuerit ex aquâ et Spiritu Sancto, non potest intrare in regnum cœlorum.*

Item, That it is offered unto all men, as well infants as such as have the use of reason, that by baptism they shall have remission of sins, and the grace and favour of God, according to the saying of John, *Qui crediderit et baptisatus fuerit salvus erit.*

Item, That the promise of grace and everlasting life, which promise is adjoined unto this sacrament of baptism, pertaineth not only unto such as have the use of reason, but also to infants, innocents, and children; and they ought therefore and must needs be baptized: and that by the sacrament of baptism they do also obtain remission of their sins, the grace and favour of God, and be made thereby the very sons and children of God, insomuch as infants and children dying in their infancy shall undoubtedly be saved thereby, or else not.

Item, That infants must needs be christened because they be born in original sin, which sin must needs be remitted; which cannot be done but by the sacrament of baptism, whereby they receive the Holy Ghost which exerciseth his grace and efficacy 308
in them, and cleanseth and purifieth them from sin by his most secret virtue and operation.

Item, That children or men once baptized, can, ne ought ever to be baptized again.

Item, That they ought to repute, and take all the Anabaptists' and the Pelagians' opinions contrary to the premisses, and every other man's opinion agreeable unto the said Anabaptists' or the Pelagians' opinion in this behalf, for detestable heresies, and utterly to be condemned.

Item, That men or children having the use of reason, and willing and desiring to be baptized, shall by the virtue of that holy sacrament obtain the grace and remission of all their sins, if they shall come thereunto perfectly and truly repentant and contrite of all their sins before committed, and also perfectly and constantly confessing and believing all the articles of our faith, according as it was mentioned in the article before, or else not.

And finally, if they shall also have firm credence and trust in the promise of God adjoined to the said sacrament, that is to say, that in and by this said sacrament, which they shall receive, God the Father giveth unto them for his Son Jesus Christ's sake, remission of all their sins, and the grace of the Holy Ghost, whereby they be newly regenerated and made the very children of God, according to the saying of Christ and his apostle St. Peter, *Pœnitentiam agite et baptizetur unusquisque vestrûm in nomine Jesu Christi in remissionem peccatorum, et accipietis donum Spiritûs Sancti*, and according

also to the saying of St. Paul *ad Titum* 3. *Non ex operibus justitiæ quæ fecimus nos, sed secundum suam misericordiam, salvos nos fecit per lavacrum regenerationis et renovationis Spiritûs Sancti, quem effudit in nos opulenter per Jesum Christum servatorem nostrum, ut justificati illius gratiâ hæredes efficiemur juxta spem vitæ eternæ.*

The Sacrament of Penance.

THIRDLY, Concerning the sacrament of penance, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that they ought and must most constantly believe, that that sacrament was institute of Christ in the New Testament as a thing so necessary for man's salvation, that no man which after his baptism is fallen again and hath committed deadly sin, can without the same be saved, or attain everlasting life.

Item, That like as such men which after baptism do fall again into sin, if they do not penance in this life, shall undoubtedly be damned: even so whensoever the same men shall convert themselves from the said naughty life, and do such penance for the same as Christ requireth of them they shall without doubt attain remission of their sins and shall be saved.

Item, That this sacrament of perfect penance which Christ
309 requireth of such manner persons, consisteth of three parts, that is to say, contrition, confession, with the amendment of the former life, and a new obedient reconciliation unto the laws and will of God, that is to say, exterior acts in works of charity according as they be commanded of God, which be called in scripture *fructus digni pœnitentia.*

Furthermore, as touching contrition, which is the first part, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that the said contrition consisteth in two special parts, which must always be conjoined together and cannot be dissevered; that is to say, the penitent and contrite man must first knowledge the

filthiness and abomination of his own sin, whereunto he is brought by hearing and considering of the will of God declared in his laws, and feeling and perceiving in his own conscience, that God is angry and displeased with him for the same; he must also conceive not only great sorrow and inward shame that he hath so grievously offended God, but also great fear of God's displeasure towards him, considering he hath no works or merits of his own which he may worthily lay before God, as sufficient satisfaction for his sins; which done, then afterward with this fear, shame and sorrow must needs succeed and be conjoined, the second part, viz. a certain faith, trust and confidence of the mercy and goodness of God, whereby the penitent must conceive certain hope and faith that God will forgive him his sins, and repute him justified and of the number of his elect children, not for the worthiness of any merit or work done by the penitent, but for the only merits of the blood and passion of our Saviour Jesus Christ.

Item, That this certain faith and hope is gotten and also confirmed, and made more strong by the applying of Christ's words, and promises of his grace and favour contained in his gospel, and the sacraments instituted by him in the New Testament; and therefore to attain this certain faith, the second part of penance is necessary, that is to say, confession to a priest if it may be had; for the absolution given by the priest was institute of Christ to apply the promises of God's grace and favours to the penitent.

Wherefore as touching confession, we will, that all bishops and preachers shall instruct and teach our people committed by us to their spiritual charge, that they ought and must certainly believe that the words of absolution pronounced by the priest be spoken by the authority given to him by Christ in the gospel.

Item, That they ought and must give no less faith and credence to the same words of absolution so pronounced by the ministers of the church, than they would give unto the very words and voice of God himself if he should speak unto us out of heaven, according to the saying of Christ, *Quorum remiseritis peccata, etc. Et qui vos audit me audit.*

Item, That in no wise they do contemn this auricular confession which is made unto the ministers of the church, but that

310 they ought to repute the same as a very and expedient and necessary mean, whereby they may require and ask this absolution at the priest's hands, at such time as they shall find their consciences grieved with mortal sin, and have occasion so to do, to the intent they may thereby attain certain comfort and consolation of their consciences.

As touching the third part of penance, we will, that all bishops and preachers shall instruct and teach our people committed by us to their spiritual charge, that although Christ and his death be the sufficient oblation, sacrifice, satisfaction, and recompence, for the which God the Father forgiveth and remitteth to all sinners not only their sin, but also eternal pain due for the same; yet all men truly penitent, contrite and confessed, must needs also bring forth the fruits of penance, that is to say, prayer, fasting, almsdeeds, and must make restitution or satisfaction in will and deed to their neighbour, in such things as they have done them wrong and injury in, and also must do all other good works of mercy and charity, and express their obedient will in the executing and fulfilling of God's commandment outwardly, when time, power and occasion shall be ministered unto them, or else they shall never be saved. For this is the express precept and commandment of God, *Agite fructus dignos pœnitentiæ;* and St. Paul saith, *Debitores sumus,* and in another place he saith, *Castigo corpus meum et in servitutem redigo.*

Item, That these precepts and works of charity be necessary works to our salvation, and God necessarily requireth that every penitent man shall perform the same, whensoever time, power, and occasion shall be ministered unto him so to do.

Item, That by penance and such good works of the same, we shall not only obtain everlasting life; but also we shall deserve remission or mitigation of these present pains and afflictions in this world, according to the saying of St. Paul, *Si nos ipsi judicaremus, non judicaremur a Domino;* Et Zacharias, *Convertimini ad me et ego convertar ad vos; Et* Esa. 58. *frange esurienti panem tuum, etc. tunc eris velut ortus irriguus. Hæc sunt inculcanda ecclesiis et ut exercitentur ad bene operandum, et in hiis ipsis operibus exerceant et confirment fidem, petentes et expectantes a Deo mitigacionem præsentium calamitatum.*

The Sacrament of the Altar.

FOURTHLY, As touching the sacrament of the altar, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that they ought and must constantly believe that under the form and figure of bread and wine, which we there presently do see and perceive by outward senses, is verily, substantially, and really contained and comprehended, the very self-same body and blood of our Saviour Jesus Christ, which was born of the Virgin Mary, and suffered upon the cross for our redemption, and that under the same form and figure of bread and wine, the very self-same body and blood of Christ is corporally, really, and in the very substance exhibited, distributed and received of all them which receive the said sacrament; and 311
that therefore the said sacrament is to be used with all due reverence and honour. And that every man ought first to prove and examine himself, and religiously to try and search his own conscience, before he shall receive the same; according to the saying of St. Paul, *Quisquis ederit panem hunc aut biberit de poculo Domini indigne, reus erit corporis et sanguinis Domini; probet autem seipsum homo, et sic de pane illo edat et de poculo illo bibat; nam qui edit aut bibit indigne, judicium sibi ipsi manducat et bibit, non dijudicans corpus Domini.*

Justification.

FIFTHLY, As touching the order and cause of our justification, we will, that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that this word justification signifieth remission of our sins, and our acceptation or reconciliation into the grace and favour of God, that is to say, our perfect renovation in Christ.

Item, That sinners attain this justification by contrition and faith joined with charity, after such sort and manner as we before mentioned and declared; not as though our contrition, or faith, or any works proceeding thereof, can worthily merit

or deserve to attain the said justification; for the only mercy and grace of the Father, promised freely unto us for his Son's sake Jesus Christ, and the merits of his blood and his passion be the only sufficient and worthy causes thereof; And yet that notwithstanding, to the attaining of the said justification, God requireth to be in us not only inward contrition, perfect faith, and charity, certain hope and confidence, with all other spiritual graces and motions, which, as we said before, must necessarily concur in remission of our sins, that is to say, our justification; but also he requireth and commandeth us, that after we be justified we must also have good works of charity, and obedience towards God, in the observing and fulfilling outwardly of his laws and commandments. For although acceptation to everlasting life be conjoined with justification, yet our good works be necessarily required to the attaining of everlasting life; and we being justified, be necessarily bound, and it is our necessary duty to do good works, according to the saying of saint Paul, *Debitores sumus non carni ut secundum carnem vivamus, nam si secundum carnem vixerimus moriemur, sin autem spiritu facta corporis mortificaverimus, vivemus; Etenim quicunque Spiritu Dei ducuntur hii sunt filii Dei:* And Christ saith, *Si vis ad vitam ingredi, serva mandata;* and saint Paul *de malis operibus*, saith, *Qui talia agunt regnum Dei non possidebunt.* Wherefore we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, and[2] God necessarily requireth of us to do good works commanded by him; and that not only outward and civil works, but also the inward spiritual motions and graces of the Holy Ghost; that is to say, to dread and fear God, to love God, to have firm confidence and trust in God, to invocate and call upon God, to have patience in all adversities, to hate sin, and to have certain purpose and will not to sin again, and such other like motions,
312 and virtues: for Christ saith, *Nisi abundaverit justitia vestra plusquam scribarum et pharisæorum, non intrabitis in regnum cœlorum;* that is to say, we must not only do outward civil good works, but also we must have these foresaid inward spiritual motions, consenting and agreeable to the law of God.

[2] [This is probably an error of the scribe for *that*, which appears in the first printed edition.]

Of Images.

As touching images, truth it is that the same have been used in the Old Testament, and also for the great abuses of them sometime destroyed and put down; and in the New Testament they have been also allowed, as good authors do declare. Wherefore we will that all bishops and preachers shall instruct and teach our people, committed by us to their spiritual charge, how they ought and may use them. And first, that there may be attributed unto them, that they be representors of virtue and good example, and that they also be by occasion the kindlers and stirrers of men's minds, and make men oft to remember and lament their sins and offences, especially the images of Christ and our Lady: and that therefore it is meet that they should stand in the churches, and none otherwise to be esteemed: and to the intent the rude people should not from henceforth take such superstition, as in time past it is thought that the same hath used to do; we will that our bishops and preachers diligently shall teach them, and according to this doctrine reform their abuses, for else there might fortune idolatry to ensue, which God forbid. And as for censing of them, and kneeling and offering unto them, with other like worshippings, although the same hath entered by devotion, and fallen to custom; yet the people ought to be diligently taught, that they in no wise do it, nor think it meet to be done to the same images, but only to be done to God, and in his honour, although it be done before the images, whether it be of Christ, of the cross, or of our Lady, or of any other saint besides.

Of honouring of Saints.

As touching the honouring of saints, we will that all bishops and preachers shall instruct and teach our people, committed by us unto their spiritual charge, that saints now being with Christ in heaven, be to be honoured of Christian people in earth; but not with that confidence and honour which are only

due unto God, trusting to attain at their hands that which must be had only of God, but that they be thus to be honoured, because they be known the elect persons of Christ, because they be passed in godly life out of this transitory world, because they already do reign in glory with Christ; and most specially to laud and praise Christ in them for their excellent virtues which he planted in them, for example, of and by them to such as are yet in this world to live in virtue and goodness, and also not to fear to die for Christ and his cause, as some of them did; and finally to take them, in that they may, to be the advancers of our prayers and demands unto Christ. By these ways and such like, be saints to be honoured and had in reverence, and by none other.

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Of praying to Saints.

As touching praying to saints, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that albeit grace, remission of sin and salvation, cannot be obtained but of God only by the mediation of our Saviour Christ, which is only sufficient mediator for our sins; yet it is very laudable to pray to saints in heaven everlastingly living, whose charity is ever permanent, to be intercessors, and to pray for us, and with us, unto Almighty God after this manner: All holy angels and saints in heaven pray for us and with us unto the Father, that for his dear Son Jesus Christ's sake, we may have grace of him, and remission of our sins, with an earnest purpose, not wanting ghostly strength, to observe and keep his holy commandments, and never to decline from the same again unto our life's end: and in this manner we may pray to our blessed Lady, to saint John Baptist, to all and every of the apostles or any other saint particularly, as our devotion doth serve us; so that it be done without any vain superstition, as to think that any saint is more merciful, or will hear us sooner than Christ, or that any saint doth serve for one thing more than other, or is patron of the same. And likewise we must keep holidays unto God, in memory of him and his saints, upon such days as the church hath ordained their memories to be celebrate; except they be

mitigated and moderated by the assent or commandment of the supreme head, to the ordinaries, and then the subjects ought to obey it.

Of Rites and Ceremonies.

As concerning the rites and ceremonies of Christ's church, as to have such vestments in doing God service, as be and have been most part used, as sprinkling of holy-water to put us in remembrance of our baptism, and the blood of Christ sprinkled for our redemption upon the cross: giving of holy bread to put us in remembrance of the sacrament of the altar, that all Christen men be one body mystical of Christ, as the bread is made of many grains, and yet but one loaf, and to put us in remembrance of the receiving of the holy sacrament and body of Christ, the which we ought to receive in right charity; which in the beginning of Christ's church, men did more often receive than they use now a days to do; bearing of candles on Candlemas-day, in memory of Christ the spiritual light, of whom Simeon did prophesy as is read in the church that day: giving of ashes on Ash-Wednesday, to put in remembrance every Christen man in the beginning of Lent and penance, that he is but ashes and earth, and thereto shall return; which is right necessary to be uttered from henceforth in our mother-tongue always on the same day: bearing of palms on Palm-Sunday, in memory of receiving of Christ into Jerusalem, a little before his death, that we may have the same desire to receive him into our hearts; creeping to the cross, and humbling ourselves to Christ on Good Friday before the cross, and offering thereunto Christ before the same, and kissing of it in memory of our redemption by Christ made upon the 314
cross; setting up the sepulture of Christ, whose body after his death was buried; the hallowing of the font, and other like exorcisms and benedictions by the ministers of Christ's church: and all other like laudable customs, rites, and ceremonies be not to be contemned and cast away, but to be used and continued as things good and laudable, to put us in remembrance of those spiritual things that they do signify, not suffering them to be forgotten, or to be put in oblivion, but renewing them in

our memories from time to time; but none of these ceremonies have power to remit sin, but only to stir and lift up our minds unto God, by whom only our sins be forgiven.

Of Purgatory.

Forasmuch as due order of charity requireth, and the book of Maccabees, and divers ancient doctors plainly shewen, that it is a very good and charitable deed to pray for souls departed, and forasmuch also, as such usage hath continued in the church so many years, even from the beginning, we will that all bishops and preachers shall instruct and teach our people, committed by us unto their spiritual charge, that no man ought to be grieved with the continuance of the same, and that it standeth with the very due order of charity, a Christen man to pray for souls departed, and to commit them in our prayers to God's mercy, and also to cause other to pray for them in masses, and exequies, and to give alms to other to pray for them, whereby they may be relieved, and holpen, of some part of their pain: but forasmuch as the place where they be, the name thereof, and kind of pains there, also be to us uncertain by scripture; therefore this with all other things we remit to God Almighty, unto whose mercy it is meet and convenient for us to commend them, trusting that God accepteth our prayers for them, referring the rest wholly to God, to whom is known their estate and condition; wherefore it is much necessary that such abuses be clearly put away, which under the name of purgatory hath been advanced, as to make men believe that through the bishop of Rome's pardons, souls might clearly be delivered out of purgatory, and all the pains of it, or that masses said at *Scala Cœli*, or otherwhere, in any place, or before any image, might likewise deliver them from all their pain, and send them straight to heaven, and other like abuses.

Thomas Crumwell[3].

Edouardus Ebor.

T. Cantuarien.
Joannes London.
Johannes Lincoln.

Cuthbertus Dunelmens.

Johannes Lincoln. nomine procuratorio pro domino Johanne Exon.

Jo. Bathoniens.
Thomas Elien.
Johannes Lincoln. nomine procuratorio pro domino Rowlando Coven. et Lichef.
Johannes Bangor.
Nicolaus Sarisburiens.
Edoardus Herefordens.
Hugo Wygornen.
Johannes Roffen.
Rich. Cicestr.
Willelmus Norwicensis E.
Willmus Menevens.
Robertus Assaphen.

Robertus abbas S. Albani. 315
Willmus abbas Westm.
Johannes abbas Burien.
A Ricardus abbas Glasconiæ.
A Hugo abbas de Redyng.
Robertus abbas Malmesbur.
Clemens abbas Eveshamens.
Johannes abbas de Bello.
Wilelmus abbas S. Petri Glocestr.
Richardus abbas Winchelcombens.
Johannes abbas de Croyland.
Robertus abbas de Thorney.

[3] [The names are thus printed to represent as exactly as possible the positions which they occupy in the original manuscript in the Cotton Library, which is a beautiful specimen of writing, upon vellum.]

Robertus abbas de Waltham.
Joannes abbas Cirencestr.
Johannes abbas Texber.
Thomas prior Covent.
Johannes abbas de Oseney.
B Henricus abbas de Gratiis[3].
Anthonius abbas de Eynsham.
Robertus prior Elien.
Robertus prior sive magister ordinis de Sempingham.
Richardus abbas de Notteley.
Hugo prior de Huntyngdon.
Willmus abbas de Stratford.
Gabriel abbas de Buckfestria.
Henricus abbas de Wardona.
Joannes prior de Merton.
Ric. prior de Walsyngham.
B Thomas abbas de Gerendon.
Thomas abbas de Stanley.
Richardus abbas de Bytlesden.
Ricardus prior de Lanthoni.
Robertus abbas de Thama.
B Johannes prior de Newenham.
Radulphus prior de Kyme.
BRichardus abbas de Bruera.
Robertus abbas de Welhows.
Bartholomeus prior de Overey.
Willmus prior de Burgaveni.
Thomas abbas de Abendon.

[3] [The four names of abbeys in this catalogue marked with B, were left vacant by the author, on the plea that he could make nothing of them. Among Strype's corrections, printed in the third part of the original edition, in the sixth number of an appendix to the first and second volumes, appears the following note.] Add *de Corariis* an abbey in East Smithfield. [There can be no doubt that Strype read this correctly *de Gratiis* and sent it to the author who, unable to read Strype's writing, and, not caring to take the trouble to enquire whether there was an abbey with such an extraordinary name, printed it so by mistake, from which it was copied into the first volume of the folio edition of 1715. The signature is that of Henry More, abbot of St. Mary Grace's, East-Minster, or New-Abbey, without the walls of London.]

Inferior domus.

C Ri. Gwent archidiaconus London. et Breck.
Robertus Aldrydge arch. Colcest.
Thomas Bedyll ardiaconus Cornub.
Ricardus Strete arch. Derbiæ et procurator cleri Coven. et Lich.
David Pole archidiaconus Salop. procurator arch. et cleri Coven.
Ricardus Doke archidiaconus Sarum.
Edmundus Boner archidiaconus Leycestriæ.
Thomas Baghe archid. Surr.
Ricardus Rawson arch. Essex. 316
Edmundus Cranmer archidiaconus Cant.
Polydorus Virgilius archidiaconus Wellen.
Ricardus Coren archidiaconus Oxon.
Henricus Morgan procurator cleri Lincoln.
Petrus Vannes arch. Wigorn.
Georgius Hennage decanus Lincoln.
Milo Spenser procurator cleri Norwicens.
Willmus Knyght archidiaconus Cestriæ.
Gamaliell Clyfton decanus ecclesiæ Hereford. et procurator capituli.
Johannes London decanus Walingfordiæ.
Nicolaus Metcalf archidiaconus Roffens.
Willmus Hedge procurator cleri Norwicen.
Adam Traves arch. Exon.
Ric. Woleman decanus Wellens.
Thomas Brerewood archidiaconus Bar. procurator capituli et cleri Exon.
Georgius Carew archidiaconus Totton procurator capituli et cleri Exon.
Thomas Benet procurator cleri et capituli Sarum.
Ricardus Arche procurator cleri et capituli Sarum.
Petrus Ligham procurator cleri Cant.
Edmundus Steward procurator cleri Winton.
Johannes Rayne procurator cleri Lincoln.
Leonardus Saville proc. cleri arch. Lewen.

Simon Matthew procurator cleri London.
Humfrid. Ogle archidiaconus Salopp.
Richardus Layton archidiaconus Buks.
Hugo Coren procurator cleri Hereforden.
Richardus Sparcheford procurator cleri Hereford.
Mauritius Griffyth proc. cleri Roff.
Willmus Bukmastre procurat. cleri London.
Ricardus Sheltan mag. collegii de Metyngham.
Per me Wm Glyn arch. Angles.
Robart Evans decanus Bangoren.
Walterus Cretyng archid. Bathon.
Thomas Bagard procurator cleri dioc. Wigorn.
Jo. Nase procurat. cleri Bathon. et Wellen.
Georgius Wyndam archidiaconus Norwyc.
Willmus Maye proc. cleri Elien.
Rolandus Phylipps procurator capituli ecclesiæ cathedralis Divi Pauli London.
Joannes Bell archidiaconus Glocestriæ.
Joannes Chambre Divi Stephani decanus et Bedford. arch.
Nicolaus Wilson.

Some observations on the former subscriptions.

A The abbots of Glastonbury and Reading subscribe with the rest: by which it appears that they complied in the changes that were made, as readily as others did.

B The abbots writ generally so ill, that it is very hard to read their subscriptions: some of them I could by no means know what to make of[5].

[5] [Upon this passage Wharton made the following observation:
'If the historian intended hereby to arraign the abbots of illiterature, let it be remembered that himself had before said of king Henry that he was the most learned prince that had been in the world for many ages, and yet that he never wrote well but scrawled so that his hand was scarce legible. But not to make inferences for the historian, let us only consider his own words. He complains that he could not read all the subscriptions of the abbots by reason of the badness of their hands. We are willing to allow any excuse to him unless

C There are fifty[6] of the lower house of convocation: of those there are twenty-five archdeacons, four deans of cathedrals, three deans of collegiate churches, seventeen procurators for the clergy, and one master of a college.

wherein he reflects upon the memory of others. For that is not fair. Any one who compareth his transcript with the original would judge that neither could he read the subscriptions of the secular clergy of the lower house of Convocation. For in his copy many of their names are miserably corrupted and mistaken. The truth is, all of them might without much difficulty have been read and exactly transcribed; if the historian had not read, as well as others say he wrote, in post haste, I will therefore conclude this first part with subjoining the names of those abbots and priors whose titles the historian could not read.

Henricus Abbas de Gratiis.
Thomas Abbas de Gerendon.
Johannes Prior de Newenham.
Richardus Abbas de Bruera.'
Specimen of Errors, p. 63.

This catalogue is now for the first time printed correctly; the names of the four abbeys were correctly given by Wharton, and those of three of them by Strype, who sent them to the author, who could not read Strype's writing, and printed every one of them wrongly. The other mistakes in the catalogue amounted to more than twenty, independently of mere variations of spelling. A facsimile of the signatures may be seen in the frontispiece of the first volume of Tierney's edition of Dodd's Church History, and an explanation of them, in the main correct, in the Appendix to the same volume, No. XLV. p. 434. This author has, however, mistaken the abbot of St. Mary Grace's for the abbot of Grace Dieu in Monmouthshire, and the archdeacon of Barnstaple for the archdeacon of Bath. The names and designations have been printed here as exactly as possible; except that when the abbreviation could not be copied with ordinary type the whole word has been inserted.]

[6] [The number of members of the lower house who signed is correctly stated. The number of deans of cathedral and collegiate churches is also correct; but the number of proctors is sixteen. The number of archdeacons is only made twenty-five by including that of the archdeacon of Bedford, who signs as dean of St. Stephen's. The complete number is made up by the last name 'Nicholas Wilson.']

154 Number IV. [p. 206[7].]

Queen Ann Boleyn's last letter to king Henry.

SIR,

YOUR grace's displeasure, and my imprisonment, are things so strange unto me, as to what I write, or what to excuse, I am altogether ignorant. Whereas you send unto me (willing me to confess a truth, and so to obtain your favour) by such an one whom you know to be my antient professed enemy; I no sooner received this message by him, than I rightly conceived your meaning; and if, as you say, confessing a truth indeed may procure my safety, I shall with all willingness and duty perform your command. Cotton lib. Otho. C. x. [fol. 228.]

But let not your grace ever imagine that your poor wife will ever be brought to acknowledge a fault, where not so much as a thought ever proceeded. And to speak a truth, never a prince had wife more loyal in all duty, and in all true affection, than you have ever found in Ann Boleyn, with which name and place I could willingly have contented myself, if God, and your grace's pleasure had so been pleased. Neither did I at any time so far forget myself in my exaltation, or received queenship, but that I always looked for such an alteration as now I find; for the ground of my preferment being on no surer foundation than your grace's fancy; the least alteration was fit and sufficient (I know) to draw that fancy to some other subject. You have chosen me, from a low estate, to be your queen and companion, far beyond my desert or desire. If then you found me worthy of such honour, good your grace let not any light fancy, or bad counsel of mine enemies, withdraw your princely favour from me; neither let that stain, that unworthy stain of disloyal heart towards your good grace, ever
155 cast so foul a blot on your most dutiful wife, and the infant-princess your daughter: try me, good king, but let me have a lawful trial, and let not my sworn enemies sit as my accusers and judges; yea, let me receive an open trial, for my truth

7 [A great part of this letter has been destroyed by fire.]

shall fear no open shames; then shall you see, either mine innocency cleared, your suspicion and conscience satisfied, the ignominy and slander of the world stopped, or my guilt openly declared. So that whatsoever God, or you may determine of me, your grace may be freed from an open censure; and mine offence being so lawfully proved, your grace is at liberty, both before God and man, not only to execute worthy punishment on me as an unfaithful wife, but to follow your affection, already settled, on that party, for whose sake I am now as I am, whose name I could some good while since have pointed unto, your grace being not ignorant of my suspicion therein.

But if you have already determined of me, and that not only my death, but an infamous slander must bring you the joying of your desired happiness; then I desire of God, that he will pardon your great sin herein, and likewise my enemies, the instruments thereof; and that he will not call you to a strait account for your unprincely and cruel usage of me, at his general judgment-seat, where both you and myself must shortly appear, and in whose just judgment I doubt not (whatsoever the world may think of me) my innocency shall be openly known, and sufficiently cleared.

My last and only request shall be, that myself may only bear the burden of your grace's displeasure, and that it may not touch the innocent souls of those poor gentlemen, whom (as I understand) are likewise in strait imprisonment for my sake. If ever I have found favour in your sight, if ever the name of Ann Boleyn hath been pleasing in your ears, let me obtain this request; and so I will leave to trouble your grace any further, with mine earnest prayer to the Trinity to have your grace in his good keeping, and to direct you in all your actions. From my doleful prison in the Tower, the 6th of May.

Your most loyal and
ever faithful wife,
Ann Boleyn.

Addenda, Number II. [p. 217[8].]

Some queries put by Cranmer in order to the correcting of several abuses.

FIRST, What causes, reasons, or considerations hath or might move any man to desire to have the bishop of Rome restored in any point to his pretended monarchy, or to repugn against the laws and statutes of this realm made for the setting forth of the king's title of supreme head? Cotton lib. Cleop. E. v. [fol. 48.]

2 Item, Whether a man offending deadly after he is baptized, may obtain remission of his sins, by any other way than by contrition, through grace?

3 Item, If the clergy know that the common sort of men have them in a higher estimation, because they are persuaded, that it lieth in the will and power of priests to remit, or not remit sins at their pleasure, whether in such case the said clergy offend if they wink at this, and voluntarily suffer the people to continue in this opinion?

4 Item, Whether a sinner being sorry and contrite for his sins, and forthwith dying, shall have as high a place in heaven, as if he had never offended?

5 Item, Whether any, and what difference may be assigned betwixt two men, whereof the one being very sorry and contrite for his sins dieth without absolution of the priest, and the other which being contrite is also absolved by the priest and so dieth?

6 Item, If it may appear that the common people have a
317 greater affiance or trust in outward rites and ceremonies than they ought to have, and that they esteem more virtue in images and adorning of them, kissing their feet, or offering candles unto them, that they should esteem, and that yet the curates knowing the same, and fearing the loss of their offerings, and such other temporal commodities, do rather

[8] [Of this and Appendix Number IV. Strype, p. 419, observes that they are] two papers said to be Cranmer's, but they are not written by him nor by his secretary. So it does not appear that they are his.

encourage the people to continue after this sort, than teach them the truth in the premises according to scripture; what the king's highness and his parliament may do, and what they are bound in conscience to do in such case?

7 Item, Whether now in time of the new law the tithes or tenth be due to curates by the laws of God, or of man; and if the same be due by the laws of man, what manner laws they be?

8 Item, Whether the clergy only, and none but they, ought to have voices in general councils?

9 Item, Whether the ninth canon of the council of Calcedon, wherein is contained that one clerk may not sue another before any secular judge, but only before his bishop, and such other canons of like effect, have been generally received or not? and whether the same be contrary to the king's prerogative and laws of this realm, and whether it be expedient that it were declared by the parliament that the said canons being at no time received, especially within this realm, be void and of none effect?

10 Item, Of the twenty-fourth canon of the said council, wherein is contained that monasteries once consecrate by the bishop, may not after be made dwelling houses for laymen, whether that canon have been received and observed, and whether the same be against the power of the king and authority of his parliament?

11 Item, If it may appear that the bishops have not, ne yet do maturely examine and diligently inquire of the conversation, and learning of such as be ordered or admitted to cures by them, but rather without examination or inquisition indistinctly admit persons unable, whereof ensueth great peril of souls, and innumerable inconveniences otherways; what the king's highness or his parliament ought to do, or may do for reformation in the premises?

12 Item, If such as have deaneries, arch-deaconries, chancellorships, and other offices or promotions of the clergy, use not themselves in their own persons after such sort as the primary institution of those offices or promotions require, and according to the wills of them that endowed the same, what the king and his parliament may do, or ought to do in this case?

13 Item, For what causes and to what ends and purposes such offices and promotions of the clergy were first instituted?

14 Item, If curates having benefices with cure, for their more bodily ease, refuse to dwell upon any of their said cures, and remain in idleness continually in cathedral or collegial churches upon their prebends, whether it be in this case expedient, that the king's highness or his parliament take any order for the redress of the same?

15 Item, Of the sacraments of confirmation, order, matrimony,
318 and extreme unction, what the external signs and inward graces be in every of the said sacraments, what promises be made to the receivers of them by God, and of what efficacy they be of, and every of them.

Addenda, Number III. [p. 217.]

Some queries concerning confirmation, with the answers which were given to them by Cranmer, and Stokesley bishop of London. An original.

Written with Cranmer's hand. Cotton lib. Cleop. E. v. [fol. 83.]

Whether confirmation be institute by Christ?

Respon. There is no place in scripture that declareth this sacrament to be institute of Christ.

First, for the places alleged for the same, be no institutions, but acts and deeds of the apostles.

Second, these acts were done by a special gift given to the apostles for the confirmation of God's word at that time.

Third, the said special gift doth not now remain with the successors of the apostles.

What is the external sign?

The church useth *creme* for the exterior sign, but the scripture maketh no mention thereof.

What is the efficacy of this sacrament?

The bishop in the name of the church doth invocate the Holy Ghost to give strength and constancy, with other spiritual gifts, unto the person confirmed: so that the efficacy of this sacrament is of such value, as is the prayer of the bishop made in the name of the church.

Hæc respondeo, salvo semper eruditiorum et ecclesiæ orthodoxæ judicio[9].

[9] [Strype has printed both these sets of answers in the Appendix to the first volume of his Ecclesiastical Memorials, pp. 234, 5. His observation upon the sentence in Latin is, 'This is writ with the archbishop's own hand, the rest above is the hand of his secretary.']

Stokesley's Paper.

The first question, *Whether the sacrament of confirmation be a sacrament of the New Testament institute by Christ?* [Ibid. fol. 93.]

To this I answer, That it is.

The second question, *What is the outward sign, and the invisible graces which be conferred in the same?*

To this I answer, That the words *Signo te signo sanctæ crucis, et confirmo te,* &c. with the consignation, with the *chreme,* imposition of hands of the prelates, be the signs: and the increase of the gifts of the Holy Ghost, and especially of fortitude, to speak, shew, and defend the faith, and to suffer for the same in case need be.

The third question, *What promises be made of the said graces?*

419 I answer, That the facts and deeds that be expressed in the books of the apostles, with the effects ensuing, by the imposition of their hands upon them that before had received remission of their sins, joined with the promises of Christ, made to his church, and the continual belief of the university of the same catholic church from the time of the apostles hitherto, without contradiction of any man (ignorants and suspects of heresy only except) maketh us, and in my opinion, without prejudice of other men's opinions, ought to suffice to make all men that hath promised to believe the catholic church, assuredly to think that God hath made the promises of the said grace.

Ego Joannes London. sic respondeo, fretus autoritate et testimonio antiquissimorum, eorumque doctissimorum pariter ac sanctissimorum virorum, et præcipue sanctæ matris nostræ ecclesiæ catholicæ, cui etiam in non expressis in sacrâ scripturâ, non multo minus quam scriptis, fides adhibenda est; nisi tam de baptismo parvulorum, quam de perpetuâ Deiparæ Virginis integritate, et id genus compluribus, quibus sine salutis periculo nemo discredit, licebit salvâ fide contradicere.

Addenda, Number IV. [p. 217.]

Some considerations offered to the king by Cranmer, to induce him to proceed to a further reformation.

Cotton lib. Cleop. E. v. [fol. 50.]

PLEASETH it your highness graciously to consider, deeply to ponder and weigh by your high wisdom these considerations following.

1 First, How no great thing is to be determined, principally matters of Christ's religion, without long, great, and mature deliberation.

2 Secondly, How evil it hath succeeded when in provincial, yea, or yet in general councils, men have gone about to set forth any thing as in the force of God's law, without the manifest word of God, or else with apparent reasons not infallibly deduced out of the word of God.

3 Thirdly, How all Christian regions are now full of learned men in the scripture, which can well espy out and judge how things that be, or shall be set forth, are agreeable with scripture or not.

4 Fourthly, Of what audacity men be of now-a-days, which will not spare to write against high princes, as well as against private persons, without any respect of their high estates, only weighing the equity or the iniquity of the cause.

5 Fifthly, How not only men of the new learning (as they be called) but also the very papistical authors, do allow that by the word of God, priests be not forbidden to marry, although they were not ignorant that many expounders of scripture were of the contrary judgment.

6 Sixthly, How that it is not possible that all learned men 320
should be of one mind, sentence, and opinion, as long as the cockle is mingled with the wheat, the godly with the ungodly, which certainly shall be as long as this world endureth.

7 Seventhly, How variety of opinions have been occasion of the opening of many veritics heretofore taken for heresy, yea,

and yet so esteemed and taken of many, in other regions; as namely the usurped authority of the bishop of Rome, hath by that occasion come into light, with effusion of the blood not of a few, such as were the first stirrers up thereof.

8 Lastly, There be also other opinions not spoken of, which have made, and yet will make as much variance in your grace's realm, as any of them treated of, namely, Whether the holy scripture teacheth any purgatory to be after this life or not? Whether the same scripture teacheth the invocation of dead saints? Whether there be any unwritten verities necessary to be believed, not written in scripture, nor deducted by infallible arguments out of the open places of scripture? Whether there be any satisfaction beside the satisfaction of Christ? Whether free-will by his own strength may dispose itself to grace of a convenience (as it is said) *de congruo?* Whether it be against scripture to kiss the image of Christ in the honour of him? And generally whether images may be used any other wise than your grace setteth forth in your Injunctions?

Wherefore, in consideration of the premises, it may please your highness to suspend your judgment for a time, and not to determine the marriage of priests to be against scripture, but rather to put both parts to silence, commanding them neither to preach, dispute, nor openly to talk thereof under pain of &c. And in case these premises do not move your highness to stay, that then it may please the same to grant that the article of priests' marriage may be openly disputed in both universities, under indifferent judges, before it be determined. All the arguments of the contrary party first to be delivered in writing to the defenders, twelve days before the disputation; to the intent they may the more maturely and deliberately make answer to the same. And they that shall enter as defenders into this disputation, to do it under this condition, that if their judges discern them to be overcome, they be right well contented to suffer death therefore: and if their adversaries cannot prove their purpose, their desire is no more but that it may please your highness to leave your most humble subjects to the liberty that God's word permitteth them in that behalf. And your said humble subjects shall pray unto Almighty God for the preservation of your most royal estate long to continue, to God's glory and honour.

Number V[10]. [p. 219.]

The judgment of the convocation concerning general councils. Published by the lord Herbert from the original.

[Herbert, p. 469.] AS concerning general councils, like as we (taught by long experience) do perfectly know that there never was, ne is, any thing devised, invented, or instituted by our forefathers, more expedient or more necessary for the establishment of our faith, for the extirpation of heresies, and the abolishing of sects and schisms; and finally, for the reducing of Christ's people unto one perfect unity and concord in his religion, than by the having of general councils; so that the same be lawfully had 156
and congregated *in Spiritu Sancto*, and be also conform and agreeable, as well concerning the surety and indifferency of the places[11], as all other points requisite and necessary for the same, unto that wholesome and godly institution and usage, for the which they were at[12] first devised and used in the primitive church: Even so on the other side, taught by like experience, we esteem, repute, and judge, that there is, ne can be any thing in the world more pestilent and[13] pernicious to the common-weal of Christendom, or whereby the truth of God's word hath in times[14] past, or hereafter may be sooner defaced or[15] subverted, or whereof hath and may ensue more contention, more discord and other devilish effects, than when such general councils have or shall be assembled, not Christianly, nor charitably, but for and upon private malice and[16] ambition, or other worldly and carnal respects and considerations, according to the saying of Gregory[17] Nazianzenus, in his Epistle to one Procopius,

[10] [The original of this document has unfortunately perished. There are two independent copies, that by Herbert, from whom Burnet transcribed, and another in the library of C. C. C. Cambridge, which has been collated for this edition and the various readings placed at the foot of the page.]

[11] [*place*, C. C. C.]

[12] [*at* om. C. C. C.]

[13] [*more pernicious*, C. C. C.]

[14] [*time*, C. C. C.]

[15] [*and*, C. C. C.]

[16] [~~*of*~~, *and* C. C. C.]

[17] [*Gregorius*, C. C. C.]

wherein he writeth this sentence following; *Sic sentio, si verum scribendum est, omnes conventus episcoporum fugiendos esse, quia*[18] *nullius synodi finem vidi bonum, neque habentem magis solutionem malorum, quam incrementum: nam cupiditates contentionum, et gloriæ (sed ne putes me odiosum ista scribentem) vincunt rationem.* That is to say; "I think this, if I should write truly, that all general councils be to be eschewed, for I never saw that they produced any good end or effect, nor that any provision or remedy, but rather increase of mischiefs proceeded of them. For the desire of maintenance of men's opinions, and ambition of glory (but reckon not that I write this of malice) hath always in them overcome reason." Wherefore we think that Christian princes, especially[19] and above all things, ought and must, with all their wills, power, and diligence, foresee and provide; *Ne sanctissima hâc in parte majorum instituta, ad improbissimos ambitionis aut malitiæ effectus*[20] *explendos, diversissimo suo fine et sceleratissimo pervertantur: neve ad alium prætextum possint valere, et longe diversum effectum orbi producere quam sanctissima rei facies præ se ferat.* That is to say, "Lest the most noble[21] wholesome institutions of our elders in this behalf be perverted to a most contrary and most wicked end and effect: that is to say, to fulfil and satisfy the wicked affections of men's ambition and malice; or, lest they might prevail for any other colour, or bring forth any other effect, than their most virtuous and laudable countenance doth outwardly to the world shew or pretend."

And first of all, we think that they ought principally to consider who hath the authority to call together a general council.

Secondly, whether the causes alleged be so weighty and so urgent, that necessarily they require[22] a general council, nor can otherwise be remedied.

Thirdly, who ought to be judges in the general council.

Fourthly, what order of proceeding is to be observed in the same; and how the opinions or judgments of the fathers are to be consulted or asked.

[18] [*qua*, C. C. C.] [19] [*specially*, C. C. C.] [20] [*affectus*. C. C. C.]
[21] [*noble*, om. C. C. C.] [22] [*the judgment of a*, C. C. C.]

Fifthly, what doctrines are to be allowed or defended, with divers other things which in general councils ought of reason and equity to be observed.

And as unto the first point, we think that neither the bishop of Rome, ne any one prince, of what estate, degree, or pre- 157
eminence soever he be, may, by his own[23] authority, call, indict, or summon any general council, without the express consent, assent, and agreement of the residue of Christian princes, and especially[24] such as have within their own realms and seignories, *imperium merum*, that is to say, of such as have the whole, entire, and supreme government[25] and authority over all their subjects, without knowledging or recognising of any other supreme[26] power or authority. And this to be true, we be induced to think, by many and sundry, as well examples as great reasons[27] and authority. The which, forasmuch as it should be over long and tedious to express here particularly, we have thought good to omit the same for this present. And in witness that this is our plain and determinate sentence, opinion and judgment, touching the premises, we the prelates and clergy under-written, being congregate together in the convocation[28] of the province of Canterbury, and representing the whole clergy of the same, have to these presents subscribed our names the twentieth[29] of July, in the year of our Lord 1536[30]. 28 Hen. 8[31].

Signed by

Thomas Crumwell, Thomas Cantuariensis,
Johannes London,

With thirteen bishops[32]; and of abbots, priors, archdea-

23 [~~own~~ *only*, C. C. C.]
24 [*specially of*, C. C. C.]
25 [*governance*, C. C. C.]
26 [*any superior*, C. C. C.]
27 [*reason*, C. C. C.]
28 [*congregation*, C. C. C.]
29 [*XXth day*, C. C. C.]
30 [*a thousand five hundred and six and thirty*, C. C. C.]
31 [28 *Hen.* 8. om. C. C. C.]
32 There were then but seventeen bishops in the province of Canterbury; and Rochester being vacant, of the other sixteen, fourteen did sign this. [Rochester was not vacant, for John Hilsey had been consecrated bishop of that see Sept. 26, 1535. No record of his consecration exists except that in his own register, which incorrectly states that he was consecrated Sept. 18; but he was present in the house of lords

cons, deans, proctors, clerks, and other ministers forty-nine[33].

nearly every day of the session of June and July 1536, as appears from the Journals. Moreover, his signature is attached to the Articles set out by the convocation of this year, and was copied by the author, and placed between the names of the bishops of Worcester and Chichester. Wharton, if he is correctly quoted by Le Neve, made an extraordinary mistake in thinking that Hilsey was not consecrated till 1537, as he had the opportunity of knowing from Cranmer's register that Hilsey acted for the archbishop in the consecration of the suffragan bishop of Colchester, Oct. 22. 1536. The mistake that the bishop of London and thirteen other bishops signed this paper, is due to Herbert; from whom the whole of this document was transcribed. It was really signed by fourteen others, by twelve in person, and by the bishops of Exeter and Coventry through their proxy the bishop of Lincoln. The two who did not sign were the bishops of Winchester and Llandaff. Gardiner bishop of Winchester was not in the country, and George de Athequa, the Spanish confessor of Catharine of Arragon, who was bishop of Llandaff, disappears from public life after Feb. 21. 1533.]

[33] [The above document was printed by Wilkins with no other variation than two or three errors of press, with a reference to Herbert and also to MS. Misc. viii. fol. 401, in the library of C. C. C. Cambridge. The signatures are taken from the latter and include, not as Herbert says, forty-nine besides the bishops, but forty-six different entries, including with the proxies seventy-seven different names. It has not been thought worth while to insert them here as they correspond very much with the previous list given in Addenda Number I. They have been however very incorrectly printed in Wilkins.]

Number VI. [p. 222.]

INSTRUCTIONS FOR THE KING'S commissioners, for a new survey, and inventory to be made of all the demesnes, lands, goods and chattels appertaining to any house of religion of monks, canons, and nuns within their commission, according to the articles hereafter following; the number of which houses in every county limited in their commission, been annexed to the same commission. An original.

Henry R.

Ex MSS. Nob. D. G. Pierpoint. [Augm. Office, Suppression Papers Hen. 8. T. G. 25075.]

FIRST; After division made, one auditor, one particular receiver, a clerk of the register of the last visitation, with three other discreet persons to be named by the king, in every county where any such houses been; after their repair to any such house, shall declare to the governor, and religious persons of the same, the statute of dissolution, of their commission, and the cause and purpose of their repair for that time.

Item; After this declaration made, the said commissioners shall swear the governor of the house, or such other of the officers of the same house, or other, as they shall think can best declare the state and plight of the same, to make declaration and answer to the articles there under written.

Item; Of what order, rule, or religion, the same house is, whether it be a cell or not: and if it be a cell, then the commissioners to deliver to the governor of the house a privy seal; and also to enjoin him, in the king's name, under a great pain, to appear without delay before the chancellor of augmentation of the revenues of the king's crown and the 158
council; and in the mean time not to meddle with the same cell, till the king's pleasure be further known.

Item; What number of persons of religion been in the same, and the conversation of their lives; and how many of them been priests, and how many of them will go to other houses of that religion, or how many will take capacities; and how many servants or hinds the same house keepeth commonly, and what other persons have their living in the same house.

Item; To survey the quantity or value of the lead and bells of the same house, as near as they can; with the ruin, and decay, state and plight of the same.

Item; Incontinently to call for the convent-seal, with all writings, charters, evidences and muniments concerning any of their possessions to be delivered to them, and to put the same in sure keeping; and to take a just inventory betwixt them and the governor, or other head-officer, by indenture, of the ornaments, plate, jewels, chattels, ready money, stuff of houshold, corn, as well severed as not severed, stock and store in the farmer's hands, and the value thereof, as near as they can, which were appertaining to the same houses the first day of March last; and what debts the house doth owe, and to what person; and what debts been owing to them, and by whom.

Item; After, to cause the convent, or common-seal, the plate, jewels, and ready money, to be put in safe keeping, and the residue of the particulars specified in the inventory, to be left in the keeping of the governor, or some other head officer, without wasting or consumption of the same, unless it be for necessary expence of the house.

Item; That they command the governor, or other receiver of the same house, to receive no rent of their farms, until they know further of the king's pleasure, except such rents as must needs be had for the necessary finding or sustenance, or for payment of their servants' wages.

Item; To survey discreetly the demesnes of the same house; that is to say, such as be not commonly used to be letten out, and to certify the clear yearly value thereof.

Item; To examine the true clear yearly value of all the farms of the same house, deducting thereof rents resolute, pensions, portions paid out of the same, synodals, and proxies; bailiffs' fees, receivers', stewards', and auditors' fees, and the names of them to whom they been paid and due, and none other.

Item; What leases hath been made to any farmer, of the farms pertaining to the same house; and what rent is reserved, and to whom, and for how many years, and a copy of the indenture, if they can get it, or else the countre payne.

Item; To search and enquire what woods, parks, forests, commons, and other profits, belong to any of the possessions

of the same houses, the number of the acres, the age and value, as near as they can.

Item; What grants, bargains, sales, gifts, alienations, leases of any lands, tenements, woods, offices, hath been made by any of the said governors, of any of the said houses, within one year next before the 4th day of February last past, and 159 of what things, and to what value, and to whom, and for what estate.

Item; If there be any house of any religion aforesaid omitted and not certified in the exchequer, then the said commissioners to survey the same, and to make certificate accordingly.

Item; That they straitly command every governor of every house limited [in][34] their commission, to sow and till their ground as they have done before, till the king's pleasure be further known.

Item; Every of the said commissioners having more in charge to survey than one shire within the limit of their commission, immediately after they have perused one shire, parcel of their charge, in form aforesaid, shall send to the chancellor of the court of augmentation of the revenues of the king's crown, a brief certificate of all their accounts, according to the instructions aforesaid, what they have done in the premisses, and in every county so surveyed; then to proceed further to another county; and as they pass the said counties to make like certificate, and so forth, till their limits be surveyed, and there to remain till they know further of the king's pleasure.

Item; If the said commissioners have but one county in charge, then to certify the said chancellor in form aforesaid, and there to remain till they know further of the king's pleasure.

Item; If there be any house given by the king to any person, in any of the said several limits of the said commission, the names whereof shall be declared to the said commissioners, then the said commissioners shall immediately take the convent seal from the governor, and take an inventory indented of the lead, bells, debts, goods, chattels, plate, jewels, ornaments, stock and store, to the king's use; and to make sale of the

[34] [The word *in* has been accidentally omitted here in the MS.]

goods, chattels, and other ymployements, plate and jewels only except.

Item; The said commissioners in every such house, to send such of the religious persons that will remain in the same religion, to some other great house of that religion, by their discretions, with a letter to the governor for the receipt of them; and the residue of them that will go to the world, to send them to my lord of Caunterbury, and the lord chancellor for their capacities, with the letter of the same commissioners.

Item; The said commissioners to give to the said persons that will have capacities, some reasonable reward, according to the distance of the place, by their discretions to be appointed.

Item; The said commissioners to command the governor to resort to the chancellor of the augmentation for his yearly stipend or pension.

Item; If there be any house dissolved or given up to the king by their deed, then the commissioners shall order themselves therein in every point and purpose, as the houses given by the king to any other persons, in form aforesaid.

Item; If it appear to the said commissioners that any of the said houses within their survey be of the order of Gylberdynes, that then they no further procced but enjoin the governors of the same houses that they with all celerity, do appear before the chancellor and council of the augmentation at Westminster. Where they shall know further of the king's pleasure[35].

[35] [The editor is unable to say whether the author has given a wrong reference here to the Pierpoint MSS. or whether he printed from a copy. After a great deal of trouble the original with the king's signature in his own handwriting was discovered in the Augmentation Office. It consists of six leaves of parchment, the first three of which only are written on. The copy in the Pierpoint Library could not therefore be, as described by Burnet, an original. The article as printed by Burnet varied from the present copy in the following particulars: 1. The last *item* was altogether omitted. 2. The two *items* beginning, 'Every of the said,' &c. and ending, 'king's pleasure,' were placed at the end of the article. 3. There were above sixty other errors of copying, several of which were of considerable importance.]

Number VII. [p. 225.] 160

Injunctions given by the authority of the king's highness to the clergy of this realm.

Registr. Cranm. fol. 97.

IN THE NAME OF GOD. AMEN. In the year of our Lord God, a thousand five hundredth thirty-six, and of the most noble reign of our sovereign lord Henry the Eighth, king of England and of France the 28th year, and the day of I Thomas Crumwell knight, lord Crumwell, keeper of the privy-seal of our said sovereign lord the king, and vicegerent unto the same, for and concerning all his jurisdiction ecclesiastical within this realm, visiting by the king's highness' supreme authority ecclesiastical, the people and clergy of this deanery of by my trusty commissary lawfully deputed and constitute for this part, have, to the glory of Almighty God, to the king's highness' honour, the public-weal of this his realm, and increase of virtue in the same, appointed and assigned these injunctions ensuing to be kept and observed, of the dean, parsons, vicars, curates, and stipendiaries resiant, or having cure of souls, or any other spiritual administration within this deanery, under the pains hereafter limited and appointed.

THE FIRST is; that the dean, parsons, vicars, and other, having cure of soul any where within this deanery, shall faithfully keep and observe, and as far as in them may lie, shall cause to be observed and kept of other, all and singular laws and statutes of this realm, made for the abolishing and extirpation of the bishop of Rome's pretensed and usurped power and jurisdiction within this realm. And for the establishment and confirmation of the king's authority and jurisdiction within the same, as of the supreme head of the church of England; and shall, to the uttermost of their wit, knowledge, and learning, purely, sincerely, and without any colour or dissimulation, declare, manifest, and open, for the space of one quarter of a year now next ensuing, once every Sunday, and after that at the least-wise twice every quarter, in their sermons and other

collations, that the bishop of Rome's usurped power and jurisdiction, having no establishment nor ground by the law of God, was of most just causes taken away and abolished; and therefore they owe unto him no manner of obedience or subjection; and that the king's power is within his dominion the highest power and potentate, under God, to whom all men within the same dominion, by God's commandment, owe most loyalty and obedience, afore and above all other powers and potentates in earth.

ITEM; Whereas certain articles were lately devised and [fol. 98.] put forth by the king's highness' authority, and condescended upon by the prelates and clergy of this his realm in convocation, whereof part are necessary to be holden and believed for our salvation, and the other part do concern and touch certain laudable ceremonies, rites, and usages of the church, meet and convenient to be kept and used for a decent and a politic order in the same; the said dean, parsons, vicars, and other curates,
161 shall so open and declare in their said sermons, and other collations, the said articles unto them that be under their cure, that they may plainly know and discern which of them be necessary to be believed and observed for their salvation, and which be not necessary, but only do concern the decent and politic order of the said church: according to such commandment and admonition as hath been given unto them heretofore, by authority of the king's highness in that behalf.

MOREOVER, that they shall declare unto all such as be under their cure, the articles likewise devised, put forth, and authorized of late, for and concerning the abrogation of certain superfluous holy-days, according to the effect and purport of the same articles: and persuade their parishioners to keep and observe the same inviolably, as things holinesslye provided, decreed, and established, by common consent, and public authority, for the weal, commodity, and profit of all this realm.

BESIDES this, to the intent that all superstition, and hypocrisy, crept into divers men's hearts, may vanish away, they shall not set forth or extol any images, reliques, or miracles, for any superstition or lucre; nor allure the people by any enticements to the pilgrimages of any saint, otherwise than is permytte in the articles lately put forth by the authority

of the king's majesty, and condescended upon by the prelates and clergy of this his realm in convocation; as though it were proper or peculiar to that saint to give this commodity, or that: seeing all goodness, health, and grace, ought to be both asked and looked for only of God, as of the very Author of the same, and of none other, for without him it cannot be given: but they shall exhort, as well their parishioners as other pilgrims, that they do rather apply themselves to the keeping of God's commandments, and fulfilling of his works of charity: persuading them that they shall please God more by the true exercising of their bodily labour, travail, or occupation, and providing for their families, than if they went about to the said pilgrimages; and that it shall profit more their sowle-helthe, if they do bestow that on the poor and needy, which they would have bestowed upon the said images or reliques.

ALSO in the same their sermons, and other collations, the parsons, vicars, and other curates, aforesaid, shall diligently admonish the fathers and mothers, masters and governors of youth, being within their cure, to teach, or cause to be taught, their children and servants, even from their infancy, their *Pater Noster*, the Articles of our Faith, and the Ten Commandments, in their mother tongue: and the same so taught, shall cause the said youth oft to repeat and understand. And to the intent this may be the more easily done, the said curates shall, in their sermons, deliberately and plainly recite of the said *Pater Noster*, the Articles of our Faith, and the Ten Commandments, one clause or article one day, and another another day, till the whole be taught and learned by little; and shall deliver the same in writing, or shew where printed books containing the same be to be sold, to them that can read or will desire the same. And thereto that the said fathers and mothers, masters and governors, do bestow their 162
children and servants, even from their childhood, other to learning, or to some other honest exercise, occupation, or husbandry: exhorting, counselling, and by all the ways and means they may, as well in their said sermons and collations, as other ways persuading the said fathers, mothers, masters, and other governors, being under their cure and charge, diligently to provide and foresee that the said youth be in no manner wise kept or brought up in idleness, lest at any time

afterward they be driven, for lack of some mystery or occupation to live by, to fall to begging, stealing, or some other unthriftiness; forasmuch as we may daily see, through sloth and idleness, divers valiant men fall, some to begging, and some to theft and murder; which after, brought to calamity and misery, impute a great part thereof to their friends and governors, which suffered them to be brought up so idly in their youth; where if they had been well educated and brought up in some good literature, occupation, or mystery, they should, being rulers of their own family, have profited, as well themselves as divers other persons, to the great commodity and ornament of the common-weal.

ALSO, that the said parsons, vicars, and other curates, shall diligently provide that the sacrament and sacramentals be duly and reverently ministered in their parishes; and if at any time it happen them, other in any of the cases expressed in the statutes of this realm, or of special licence given by the king's majesty to be absent from their benefices, they shall leave their cure, not to a rude and unlearned person, but to an honest, well learned, and expert curate, that may teach the rude and unlearned of their cure wholesome doctrine, and reduce them to the right way that do err; and always let them see, that nother they, nor their vicars, do seek more their own profit, promotion, or advantage, than the profit of the souls that they have under their cure, or the glory of God.

[36] ITEM, that every parson, or proprietary of any parish-church within this realm, shall on this side the feast of saint Petre *ad Vincula* next coming, provide a book of the whole Bible, both in Latin, and also in English, and lay the same in the quire, for every man that will to look and read thereon, and shall discourage no man from the reading of any part of the Bible, either in Latin or in English; but rather comfort, exhort and admonish every man to read the same as the very word of God, and the spiritual food of man's soul, whereby they may the better know the duties to God, to their sovereign lord the king, and their neighbour: ever gently and charitably [Bonner's Register, fol. 29 b.]

[36] [This paragraph is not in Cranmer's register, but it appears in Bonner's, fol. 29 b, beginning, 'Item,' &c. This article was omitted in the first edition, upon which Strype's note is,] 'Here is a whole article left out, marked before, now inserted in this volume.' [S.]

exhorting them that using a sober and a modest haviour in the reading and inquisition of the true sense of the same, they do in no wise stiffly or eagerly contend or strive one with another about the same, but refer the declaration of those places that be in controversy to the judgment of them that be better learned.

[fol. 99.] ALSO, the said dean, parsons, vicars, curates, and other priests, shall in no wise, at any unlawful time, nor for any other cause, than for their honest necessity, haunt or resort to any taverns or ale-houses; and after their dinner and supper, they shall not give themselves to drinking or riot, spending their time idly, by day or by night, at tables or cards-playing, or any other unlawful game; but at such times as they shall have such leisure, they shall read or hear somewhat of holy scripture, or shall occupy themselves with some other honest exercise; and that they always do those things which appertain to good congruence and honesty, with profit of the commonweal, having always in mind, that they ought to excel all other in purity of life, and should be example to all other to live well and Christianly.

FURTHERMORE; because the goods of the church are called the goods of the poor, and at these days nothing is less seen than the poor to be sustained with the same; all parsons, vicars, pensionaries, prebendaries, and other beneficed men within this deanery, not being resident upon their benefices, which may dispend yearly twenty pounds or above within this deanery or elsewhere, shall distribute hereafter yearly amongst their poor parishioners, or other inhabitants there, in the 163
presence of the church-wardens, or some other honest men of the parish, the fortieth part of the fruits and revenues of their said benefices: lest they be worthily noted of ingratitude, which, reserving so many parts to themselves, cannot vouchsafe to impart the fortieth portion thereof amongst the poor people of that parish, that is so fruitful and profitable unto them.

And to the intent that learned men may hereafter spring the more for the execution of the premisses; every parson, vicar, clerk, or beneficed man within this deanery, having yearly to dispend in benefices, and other promotions of the church, an hundred pounds shall give competent exhibition to one scholar; and for as many hundred pounds more as he may

dispend, to so many scholars more shall give like exhibition in the university of Oxenford or Cambridge, or some grammar-school; which after they have profited in good learning, may be partners of their patron's cure and charge, as well in preaching as otherwise, in the execution of their offices; or may, when need shall be, otherwise profit the commonwealth with their counsel and wisdom.

ALSO, that all parsons, vicars, and clerks, having churches, chapels, or mansions within this deanery, shall bestow yearly hereafter upon the same mansions, or chancels of their churches being in decay, the fifth part of their benefices till they be fully repaired: and the same so repaired, shall always keep and maintain in good state.

ALL WHICH and singular injunctions shall be inviolably observed of the said dean, parsons, vicars, curates, stipendiaries, and other clerks and beneficed men, under the pain of suspension and sequestration of the fruits of their benefices, until they have done their duty according to these injunctions[37].

[37] [See the third part of the History of the Reformation, p. 136, where the author speaks of the omission of a very important paragraph in the second injunction given by Cromwell, and does not seem to be aware that he made the copy from Cranmer's Register, where the paragraph has been omitted. It was supplied in the Collection of Records to the third part of the History, Number LX. p. 147, under the head, 'An omission in the Injunctions set forth by Cromwell in the king's name in the first volume of the History of the Reformation, Collection of Records, p. 160. This comes in after the line 30, page 161.']

Number VIII. [p. 240.]

Cromwell's letter to Shaxton, bishop of Sarum, taken from a copy writ by his secretary[38].

Cotton lib. Cleop. E. iv. [fol. 62.]

MY lord, after hearty commendations, I cannot but both much marvel that you, whom I have taken to be mine earnest friend, should judge me, as I may perceive by your letters you do, and also be glad that ye so frankly utter your stomach to me. I would thank you for your plain writing and free monitions; saving that you seem fuller of suspicion than it becometh, as I think, a prelate of your sort to be: and (to say that maketh me more sorry) much worse persuaded of me than I thought any of your learning and judgment could have been. I took a matter out of your hands into mine; if upon considerations mine office bind me to do so, what cause have ye to complain? If I had done this, either upon affection, or intending prejudice to your estimation, you might have expostulated with me; and yet if ye then had done it after a gentler sort, I should both sooner have amended that I did amiss, and also have had better cause to judge your writing to 164
me, of a friendly heart towards me. If ye be offended with my sharp letters, how can your testy words (I had almost given them another name) delight me? I required you to use no extremity in your office, *durus est hic sermo,* ye touch it; and when ye have done, ye begin again, even as though all being said, all were still behind. If ye have used none extremity, I am I insure you as glad of it as I ought to be: and though ye do not, yet upon a complaint my office bindeth me to succour him that saith he is over-matched, and is compelled to sustain wrong. I was thus informed, and by persons to whom I gave more credit than I intend to do hereafter, if they have abused me, as you would make me believe they have. They thus complaining, could I do any less than grant unto them such remedy as the king's highness and his laws give

[38] This letter is writ in Morison's hand who was Cromwell's secretary. [S.]

indifferently to all his subjects? Might I not also somewhat [fol. 63.]
gather, that ye proceeded the sorer against the reader, Roger London, when I had seen how much you desired the preferment of your servant to that room? My lord, you had shewed yourself of much more patience, I will not say of much more prudence, if ye had contented yourself with their lawful appeal, and my lawful injunctions; and rather have sought fully to instruct me in the matter, than thus to desire to conquer me by shrewd words, to vanquish me by sharp threpp of scripture, which as I knew to be true so I trust to God, as great a clerk as ye be, ye allege there out of their place. It becometh me not, neither yet I am wont to vaunt myself of well-doing, I know who worketh all that is well wrought by me; and whereas he is the whole doer, I intend not to offer him this wrong, he to labour, and I to take the thanks; yet as I do not cease to give thanks, that it hath pleased his goodness to use me as an instrument, and to work somewhat by me, so I trust I am as ready to serve him in my calling, to my little power, as ye are preste to write worse of me than ye ought to think. My prayer is, That God give me no longer life, than I shall be glad to use mine office *in ædificationem*, and not *in destructionem*, as ye bear me in hand I do. God, ye say, will judge such using of authority, meaning flatly, that I do abuse such power as hath pleased God and the king's highness to set me in; God, I say, will judge such judges as ye are, and charms also such thoughts as ye misuse. Ye do not so well as I would ye should do, if ye so think of me as your letters make me think ye do. The crime that ye charge me withal is [fol. 64.]
greater than I may or ought to bear, untruer, I trust, than they that would fainest shall be able to prove. It is a strange thing, you say, that I neither would write, nor send you word by mouth, what ye should do with the popish monks of Abingdon; and that the abbot of Reading could get straightway my letters to inhibit your just doings; that was not my mind when I wrote, I did not intend to let your just doing, but rather to require you to do justly; neither I was swift in granting my letters to him, albeit I am much readier to help him that complaineth of wrong, than preste to further on that desireth punishment of a person whom I am not sure hath offended. I made you no answer, a strange thing! I wish my

lord, I thought ye had better known my businesses, than for such a matter to esteem me not your friend; you might have better judged that I was too much cumbered with other affairs, that those which sued for the abbot, could better espy their time 165 than you could. Some man will think it rather utter displeasure conceived before, than that ye have any urgent occasion here to misjudge my mind towards you. As concerning your manor, you must use your privileges as things lent unto you, so long as ye shall occupy them well, that is, according to the mind and pleasure of them that gave you them.

I took neither the monks' cause, nor any other, into my hands, to be a bearer of any such whom their upright dealing is not able to bear. No, you know I think, that I love such readers of scripture as little as ye do: would God men of your sort were as diligent to see that in all their dioceses good were made, as I am glad to remove the evil when I know them; if ye had taken even then but half the pains to send up such things against him as you now send, neither you should have had cause, no nor occasion thus rashly to divine of my good or evil-will toward you, nor I have been cumbered with this answer. My lord, I pray you, while I am your friend, take me to be so, for if I were not, or if I knew any cause why I ought not, I would not be afraid to shew you what had alienated my mind from you; so you should well perceive that my displeasure should last no longer than there were cause.
[fol. 65.] I pass over your *Nemo læditur nisi a seipso*, I pray with you this first part, *Our Lord have pity upon me;* the other part is not in my prayers, *That God should turn my heart*, for he is my judge, I may err in my doings, for want of knowledge, but I willingly bear no misdoers, I willingly hurt none whom honesty and the king's laws do not refuse. Undo not you yourself, I intend nothing less than to work you any displeasure. If hitherto I have shewed you any pleasure, I am glad of it: I shewed it to your qualities and not to you; if they tarry with you, my good-will cannot depart from you, except your prayer be heard, that is, *My heart be turned.* I assure you I am right glad ye are in the place ye are in, and will do what shall lie in me to aid you in your office, to maintain your reputation, to give you credit among your flock, and elsewhere; as long as I shall see you desireful to do your duty, according to

your calling. I will not become your good lord, as your desire is, I am and have been your friend, and take you to be mine; cast out vain suspicion; let rash judgment rule men of less wit and discretion; wilfulness becometh all men better than a bishop, which should always teach us to lack gladly our own will, because you may not have your own will. Here is *Christus pauperem facit et ditat, et Dominus dedit et Dominus abstulit,* to what purpose? *Sit nomen Domini benedictum,* can never lack his place; it cometh always in season; or else as great a divine as ye are, I would say, it were not every the best placed here, except you wist better, you had rather lose all than any part of your will. I pray you teach patience better in your deeds, or else speak as little of it as ye can. My lord, you might have provoked another in my place, that would have used less patience with you, finding so little in you. But I can take your writing, and this heat of your stomach, every as well as I can, I trust, beware of flatterers. As for the abbot of Reading, and his monk, if I find them as ye say they are, I will order them as I shall think good. Ye shall do well to do [fol. 66.] your duty; if you so do, ye have no cause to mistrust my friendship; if ye do not, I must tell it you, and that somewhat after the plainest sort. To take a cause out of your hands into
166 mine, I do but mine office, you meddle further than your office will bear you, thus roughly to handle me for using of mine. If ye do so no more, I let pass all that is past, and offer you such kindness as ye shall lawfully desire at my hands. Thus fare ye well[39].

[39] [There is no date to this document, which is an answer to a letter of Shaxton's, dated March 21, and which was printed by Strype in the Ecclesiastical Memorials, vol. i. Appendix, pp. 149–153. From Cleop. E. iv. 58.]

Number IX. [p. 245.]

The sentence given out by pope Paul the Third, against king Henry.

Damnatio et excommunicatio Henrici VIII regis Angliæ, ejusque fautorum et complicum, cum aliarum pœnarum adjectione.

Paulus episcopus servus servorum Dei ad perpetuam rei memoriam.

Cherubini bullarium tom. ii. pag. 704. [Tom. i. p. 707. ed. Luxemb. fol. 1727.]

EJUS qui immobilis permanens suâ providentiâ ordine mirabili dat cuncta moveri, disponente clementiâ, vices, licet immeriti gerentes in terris, et in sede justitiæ constituti, juxta prophetæ quoque Hieremiæ vaticinium dicentis: *Ecce te constitui super gentes et regna, ut evellas et destruas, ædifices, plantes, præcipuum super omnes reges universæ terræ cunctosque populos obtinentes principatum:* ac illum qui pius et misericors est, et vindictam ei qui illam prævenit paratam temperat, nec quos impœnitentes videt severâ ultione castigat, quin prius comminetur, in assidue autem peccantes et in peccatis perseverantes, cum excessus misericordiæ fines prætercunt ut saltem metu pœnæ ad cor reverti cogantur, justitiæ vires exercet, imitantes; ex incumbenti nobis apostolicæ solicitudinis studio per-urgemur, ut cunctarum personarum nostræ curæ cœlitus commissarum salubri statui solertius intendamus, ac erroribus et scandalis, quæ hostis antiqui versutiâ imminere conspicimus, propensius obviemus, excessusque et enormia ac scandalosa crimina congruâ severitate coerceamus, et juxta apostolum inobedientiam ovium promptius ulciscendo, illorum perpetratores debitâ correctione sic compescamus, quod eos Dei iram provocâsse pœniteat, et ex hoc aliis exemplum cautelæ salutaris accedat.

Sane cum superioribus diebus nobis relatum fuisset, quod Henricus Angliæ rex, licet tempore pontificatus felicis recordationis Leonis papæ X. prædecessoris nostri diversorum hæreticorum errores, sæpe ab apostolicâ sede et sacris conciliis præteritis temporibus damnatos, et novissime nostrâ ætate per perditionis

alumnum Martinum Lutherum suscitatos et innovatos, zelo catholicæ fidei, et erga dictam sedem devotionis fervore inductus, non minus docte quam pie, per quendam librum per eum desuper compositum, et eidem Leoni prædecessori ut eum examinaret et approbaret oblatum, confutâsset, ob quod ab eodem Leone prædecessore ultra dicti libri, cum magna ipsius Henrici regis laude et commendatione, approbationem, titulum Defensoris Fidei reportaverit, a rectâ fide et apostolico tramite
167 devians, ac propriæ salutis, famæ, et honoris immemor, postquam charissima in Christo filia nostra Catharina Angliæ regina illustri suâ progenie conjuge, cum quâ publice in facie ecclesiæ matrimonium contraxerat, et per plures annos continuaverat, ac ex quâ, dicto constante matrimonio, prolem pluries susceperat; nullâ legitimâ subsistente causâ, et contra ecclesiæ prohibitionem dimissâ, cum quâdam Annâ Bolenâ, muliere Anglicâ, dictâ Catherinâ adhuc vivente, de facto matrimonium contraxerat, ad deteriora prosiliens, quasdam leges ceu generales constitutiones edere non erubuit, per quas subditos suos ad quosdam hæreticos et schismaticos articulos tenendos, inter quos et hoc erat, quod Romanus pontifex caput ecclesiæ, et Christi vicarius non erat, et quod ipse in Anglicâ ecclesiâ supremum caput existebat, sub gravibus etiam mortis pœnis cogebat. Et his non contentus, Diabolo sacrilegii crimen suadente, quamplures prælatos, etiam episcopos, aliasque personas ecclesiasticas, etiam regulares, necnon sæculares, sibi ut hæretico et schismatico adhærere, ac articulos prædictos sanctorum patrum decretis et sacrorum conciliorum statutis, imo etiam ipsi evangelicæ veritati contrarios, tamquam tales alios damnatos approbare, et sequi nolentes, et intrepide recusantes capi et carceribus mancipari. Hisque similiter non contentus, mala malis accumulando, bonæ memoriæ Joannem tituli S. Vitalis presbyterum cardinalem Roffensem quem ob fidei constantiam et vitæ sanctimoniam ad cardinalatûs dignitatem promoveramus, cum dictis hæresibus et erroribus consentire nollet, horrendâ immanitate et detestandâ sævitiâ, publice miserabili supplicio tradi et decollari mandaverat,
* et fecerat, excommunicationis, et anathematis, aliasque gravissimas sententias, censuras, et pœnas in literis ac constitutionibus recolendæ memoriæ Bonifacii VIII., Honorii III. Romanorum pontificum prædecessorum nostrorum desuper editis contentas, et alias in tales a jure latas damnabiliter incurrendo, ac regno

Angliæ, et dominiis quæ tenebat, necnon regalis fastigii celsitudine ac præfati tituli prærogativâ, et honore se indignum reddendo.

2. Nos licet ex eo, quod prout non ignorabamus, idem Henricus rex in certis censuris ecclesiasticis, quibus a piæ memoriæ Clemente papâ VII. etiam prædecessore nostro, postquam humanissimis literis et paternis exhortationibus, multisque nunciis et mediis, primo et postremo etiam judicialiter, ut præfatam Annam a se dimitteret, et ad prædictæ Catherinæ suæ veræ conjugis consortium rediret, frustra monitus fuerat, innodatus extiterat, Pharaonis duritiam imitando, per longum tempus in clavium contemptum insorduerat, et insordescebat, quod ad cor rediret, vix sperare posse videremus, ob paternam tamen Charitatem quâ in minoribus constituti donec in obedientiâ, et reverentiâ sedis prædictæ permansit. eum prosecuti fueramus, utque clarius videre possemus, an clamor qui ad nos delatus fuerat, (quem certe etiam ipsius Henrici regis respectu falsum esse desiderabamus) verus esset, statuimus ab ulteriori contra ipsum Henricum regem processu ad tempus abstinendo, hujus rei veritatem diligentius indagare.

3. Cum autem debitis diligentiis desuper factis clamorem ad nos, ut præfertur, delatum, verum esse, simulque, quod dolenter referimus, dictum Henricum regem ita in profundum malorum descendisse, ut de ejus resipiscentiâ nulla penitus videatur spes haberi posse, repererimus: nos attendentes veteri lege, crimen adulterii notatum lapidari mandatum, ac auctores schismatis hiatu terræ absorptos, eorumque sequaces cœlesti igne con- 168
sumptos, Elimamque magum viis domini resistentem per apostolum æternâ severitate damnatum fuisse, volentesque ne in districto examine ipsius Henrici regis et subditorum suorum, quos secum in perditionem trahere videmus, animarum ratio a nobis exposcatur, quantum nobis ex alto conceditur, providere contra Henricum regem, ejusque complices, fautores, adhærentes, et sequaces, et in præmissis quomodolibet culpabiles, contra quos ex eo quod excessus, et delicta prædicta adeo manifesta sunt et notoria, ut nullâ possint tergiversatione celari, absque ulteriori morâ ad executionem procedere possemus, benignius agendo, decrevimus, infrascripto modo procedere.

4. Habita itaque super his cum venerabilibus fratribus nostris sacrosanctæ Romanæ ecclesiæ cardinalibus deliberatione maturâ,

et de illorum consilio et assensu, præfatum Henricum regem, ejusque complices, fautores, adhærentes, consultores et sequaces, ac quoscunque alios in præmissis, ceu eorum aliquo quoquo modo culpabiles, tam laicos quam clericos, etiam regulares cujuscumque dignitatis, statûs, gradûs, ordinis, conditionis, præeminentiæ, et excellentiæ existant, (quorum nomina et cognomina, perinde ac si præsentibus insererentur, pro sufficienter expressis haberi volumus) per viscera misericordiæ DEI nostri hortamur, et requirimus in Domino, quatenus Henricus rex a prædictis erroribus prorsus abstineat, et constitutiones, seu leges prædictas, sicut de facto eas fecit, revocet, casset, et annullet, et coactione subditorum suorum ad eas servandas, necnon carceratione, capturâ, et punitione illorum, qui ipsis constitutionibus seu legibus adhærere, aut eas servare noluerint, et ab aliis erroribus prædictis penitus, et omnino abstineat, et si quos præmissorum occasione captivos habeat, relaxet.

5. Complices vero, fautores, adhærentes, consultores, et sequaces dicti Henrici regis in præmissis, et circa ea ipsi Henrico regi super his de cætero non adsistant, nec adhæreant, vel faveant, nec ei consilium, auxilium, vel favorem, desuper præstent.

6. Alias si Henricus rex, ac fautores, adhærentes, consultores, et sequaces, hortationibus et requisitionibus hujusmodi non annuerint cum effectu, Henricum regem, fautores, adhærentes, consultores et sequaces, ac alios culpabiles prædictos, auctoritate apostolicâ, ac ex certâ nostrâ scientiâ, et de apostolicæ potestatis plenitudine, tenore præsentium, in virtute sanctæ obedientiæ, ac sub majoris excommunicationis latæ sententiæ, a quâ etiam prætextu cujuscumque privilegii, vel facultatis, etiam in formâ confessionalis, cum quibuscumque efficasissimis clausulis a nobis et sede prædictâ quomodolibet concessis, et etiam iteratis vicibus innovatis, ab alio quam a Romano pontifice, præterquam in mortis articulo constituti, (ita tamen, quod si aliquem absolvi contingat, qui postmodum convaluerit, nisi post convalescentiam, monitioni et mandatis nostris hujusmodi paruerit cum effectu, in eamdem excommunicationis sententiam reincidat,) absolvi non possint.

7. Necnon rebellionis, et quoad Henricum regem, etiam perditionis regni, et dominiorum prædictorum, et tam quoad eum, quam quoad alios monitos supradictos supra et infra scriptis

pœnis, quas si dictis monitioni et mandatis, ut præfertur, non paruerint, eos, et eorum singulos, ipso facto respective incurrere volumus, per præsentes monemus; eisque et eorum cuilibet districte præcipiendo mandamus, quatenus Henricus rex per se, vel procuratorem legitimum et sufficienti mandato suffultum, infra nonaginta, complices vero, fautores, adhærentes, 169
consultores, et sequaces, ac alii in præmissis quomodolibet culpabiles supradicti, sæculares et ecclesiastici etiam regulares, personaliter infra sexaginta dies comparent coram nobis, ad se super præmissis legitime excusandum et defendendum; alias videndum et audiendum contra eos et eorum singulos, etiam nominatim, quos sic monemus, quatenus expediat, ad omnes et singulos, actus, etiam sententiam definitivam, declaratoriam, condemnatoriam, et privatoriam, ac mandatum executivum procedi. Quod si Henricus rex, et alii moniti prædicti intra dictos terminos eis ut præfertur, respective præfixos non comparuerint, et prædictam excommunicationis sententiam per tres dies, post lapsum dictorum terminorum animo, quod absit, sustinuerint indurato, censuras ipsas aggravamus, et successive reaggravamus, Henricumque regem privationis regni et dominiorum prædictorum, et tam eum quam alios monitos prædictos et eorum singulos, omnes et singulas alias pœnas prædictas incurrisse, ab omnibusque Christi fidelibus, cum eorum bonis perpetuo diffidatos esse. Et si interim ab humanis decedat, ecclesiasticâ debere carere sepulturâ, auctoritate et potestatis plenitudine prædictis decernimus, et declaramus, eosque anathematis, maledictionis, et damnationis æternæ mucrone percutimus.

8. Necnon quæ præfatus Henricus rex quomodolibet, et ex quâvis causâ tenet, habet, aut possidet, Quamdiu Henricus rex, et alii moniti prædicti, et eorum singuli in aliis per dictum Henricum regem non tentis, habitis, aut possessis permanserint, et triduo post eorum inde recessum, et alia quæcumque ad quæ Henricum regem, et alios monitos prædictos, post lapsum dictorum terminorum declinare contigerit, dominia, civitates, terras, castra, villas, oppida, metropolitanasque, et alias cathedrales, cæterasque inferiores ecclesias, necnon monasteria, prioratus, domos, conventus, et loca religiosa, vel pia cujuscumque, etiam sancti Benedicti, Cluniacensium, Cisterciensium, Præmonstratensium, ac Prædicatorum, Minorum, Eremitarum,

sancti Augustini, Carmelitarum, et aliorum ordinum, ac congregationum, et militiarum quarumcumque in ipsis dominiis, civitatibus, terris, castris, villis, oppidis, et locis existentia, ecclesiastico supponimus interdicto, ita ut illo durante in illis etiam prætextu cujuscumque apostolici indulti, ecclesiis, monasteriis, prioratibus, domibus, conventibus, locis, ordinibus, aut personis, etiam quâcumque dignitate fulgentibus concessi, præterquam in casibus a jure permissis, ac etiam in illis alias quam clausis januis, et excommunicatis et interdictis exclusis, nequeant Missæ, aut alia divina officia celebrari.

9. Et Henrici regis, complicumque, fautorum, adhærentium, consultorum, sequacium, et culpabilium prædictorum filii, pœnarum, ut hic in hoc casu par est, participes sint, omnes et singulos ejusdem Henrici regis ex dictâ Annâ, ac singulorum aliorum prædictorum filios natos, et nascituros, aliosque descendentes, usque in eum gradum, ad quem jura pœnas in casibus hujusmodi extendunt (nemine excepto, nullâque minoris ætatis, aut sexûs, vel ignorantiæ, vel alterius cujusvis causæ habitâ ratione) dignitatibus, et honoribus in quibus quomodolibet constituti existunt, seu quibus gaudent, utuntur, potiuntur, aut muniti sunt, necnon privilegiis, concessionibus, gratiis, indulgentiis, immunitatibus, remissionibus, libertatibus, et indultis, ac dominiis, civitatibus, castris, terris, villis, oppidis, et locis,
170 etiam commendatis, vel in Gubernium concessis, et quæ in feudum, emphyteusim, vel alias a Romanis, vel aliis ecclesiis, monasteriis, et locis ecclesiasticis, ac secularibus principibus, dominiis, potentatibus, etiam regibus et imperatoribus, aut aliis privatis, vel publicis personis quomodolibet habent, tenent, aut possident, cæterisque omnibus bonis, mobilibus et immobilibus, juribus et actionibus, eis quomodolibet competentibus privatos, dictaque bona feudalia, vel emphyteutica, et alia quæcumque ab aliis quomodolibet obtenta, ad directos dominos, ita ut de illis libere disponere possint, respective devoluta, et eos qui ecclesiastici fuerint, etiamsi religiosi existant, ecclesiis etiam cathedralibus, et metropolitanis, necnon monasteriis et prioratibus, præposituris, præpositatibus, dignitatibus, personatibus, officiis, canonicatibus et præbendis, aliisque beneficiis ecclesiasticis per eos quomodolibet obtentis privatos, et ad illa ac alia in posterum obtinenda inhabiles esse, similiter decernimus et declaramus; eosque sic respective privatos ad illa, et alia quæcumque similia,

ac dignitates, honores, administrationes, et officia, jura, ac feuda in posterum obtinenda, auctoritate et scientiâ, ac plenitudine similibus inhabilitamus.

10. Ipsiusque Henrici regis, ac regni omniumque aliorum dominiorum, civitatum, terrarum, castrorum, villarum, fortaliciorum, arcium, oppidorum, et locorum suorum, etiam de facto obtentorum magistratus, judices, castellanos, custodes et officiales quoscumque, necnon communitates, universitates, collegia, feudatarios, vassallos, subditos, cives, incolas, et habitatores etiam forenses, dicto regi de facto obedientes, tam sæculares, quam si qui rationis alicujus temporalitatis ipsum Henricum regem in superiorem recognoscant, etiam ecclesiasticos, a præfato, rege, seu ejus complicibus, fautoribus, adhærentibus, consultoribus, et sequacibus supra dictis deputatis, a juramento fidelitatis, jure vassallitico, et omni erga regem, et alios prædictos subjectione absolvimus, ac penitus liberamus. Eis nihilominus sub excommunicationis pœnâ mandantes, ut ab ejusdem Henrici regis, suorumque officialium, judicum, et magistratuum quorumcumque obedientiâ penitus et omnino recedant, nec illos in superiores recognoscant, neque illorum mandatis obtemperent.

11. Et ut alii eorum exemplo perterriti discant ab hujusmodi excessibus abstinere, eisdem auctoritate, scientiâ, et plenitudine, volumus, ac decernimus, quod Henricus rex et complices, fautores, adhærentes, consultores, sequaces, et alii in præmissis culpabiles, postquam alias pœnas prædictas, ut præfertur, respective incurrerint, necnon præfati descendentes, ex tunc infames existant, et ad testimonium non admittantur, testamenta, et codicillos, aut alias dispositiones, etiam inter vivos concedere, et facere non possint, et alicujus successionem ex testamento, vel ab intestato, necnon ad jurisdictionem, seu judicandi potestatem, et ad notariatûs officium, omnesque actus legitimos quoscumque (ita ut eorum processus, sive instrumenta atque alii actus quicumque, nullius sint roboris vel momenti,) inhabiles existant, et nulli ipsis, sed ipsi aliis super quocumque debito et negotio, tam civili, quam criminali, de jure respondere teneantur.

12. Et nihilominus omnes, et singulos Christi fideles, sub excommunicationis, et aliis infra scriptis pœnis, monemus ut monitos, excommunicatos, aggravatos, interdictos, privatos, ma-

ledictos, et damnatos prædictos evitent, et quantum in eis est,
171 et ab aliis evitari faciant, nec cum eisdem, seu præfati regis civitatum, dominiorum, terrarum, castrorum, comitatuum, villarum, fortaliciorum, oppidorum, et locorum prædictorum civibus, incolis, vel habitatoribus aut subditis et vassallis, emendo, vendendo, permutando, aut quamcumque mercaturam, seu negotium exercendo, commercium, seu aliquam conversationem, seu communionem habeant: aut vinum, granum, sal, seu alia victualia, arma, pannos, merces vel quasvis alias mercantias, vel res per mare in eorum navibus, triremibus, aut aliis navigiis, sive per terram cum mulis, vel aliis animalibus, deferre aut conducere, seu deferri aut conduci facere, vel delata per illos recipere, publice vel occulte, aut talia facientibus auxilium, consilium, vel favorem publice vel occulte, directe vel indirecte, quovis quæsito colore, per se, vel alium, seu alios quoquo modo præstare præsumant. Quod si fecerint, ultra excommunicationis prædictæ, etiam nullitatis contractuum quos inirent necnon perditionis mercium, victualium, et bonorum omnium delatorum, quæ capientium fiant, pœnas similiter eo ipso incurrant.

13. Cæterum quia convenire non videtur, ut cum his qui ecclesiam contemnunt, dum præsertim ex eorum pertinaciâ spes corrigibilitatis non habetur, hi qui divinis obsequiis vacant, conversentur, quod etiam illos tute facere non posse dubitandum est, omnium et singularum metropolitanarum et aliarum cathedralium, cæterarumque inferiorum ecclesiarum et monasteriorum, domorum et locorum religiosorum, et piorum quorumcumque, etiam sancti Augustini, sancti Benedicti, Cluniacensium, Cisterciensium, Præmonstratensium, ac Prædicatorum, Minorum, Carmelitarum, aliorumque quorumcumque ordinum, et Militiarum, etiam hospitalis Hierosolymitani, prælatis, abbatibus, prioribus, præceptoribus, præpositis, ministris, custodibus, guardianis, conventibus, monachis et canonicis, necnon parochialium ecclesiarum rectoribus, aliisque quibuscumque personis ecclesiasticis in regno et dominiis prædictis commorantibus, sub excommunicationis ac privationis administrationum et regiminum monasteriorum, dignitatum, personatuum, administrationum, ac officiorum, canonicatuumque, et præbendarum, parochialium ecclesiarum, et aliorum beneficiorum ecclesiasticorum quorumcumque quomodolibet qualificatorum, per eos quomodolibet obtentorum,

pœnis mandamus, quatenus infra quinque dies, post omnes et singulos terminos prædictos elapsos, de ipsis regno, et dominiis dimissis, tamen aliquibus presbyteris in ecclesiis quarum curam habuerint, pro administrando baptismate parvulis, et in pœnitentiâ decedentibus, ac aliis sacramentis ecclesiasticis, quæ tempore interdicti ministrari permittuntur, exeant et discedant, neque ad regnum, et dominia prædicta revertantur; donec moniti, et excommunicati, aggravati, reaggravati, privati, maledicti, et damnati prædicti, monitionibus, et mandatis nostris hujusmodi obtemperaverint, et meruerint, a censuris hujusmodi absolutionis beneficium obtinere, seu interdictum in regno, et dominiis prædictis, fuerit sublatum.

14. Præterea si præmissis non obstantibus, Henricus rex, complices, fautores, adhærentes, consultores, et sequaces prædicti in eorum pertinaciâ perseveraverint, nec conscientiæ stimulus eos ad cor reduxerit, in eorum forte potentiâ, et armis confidentes, omnes et singulos duces, marchiones, comites, et alios quoscumque tam sæculares, quam ecclesiasticos etiam forenses, de facto dicto Henrico regi obedientes, sub ejusdem excommunicationis, ac perditionis bonorum suorum (quæ, ut infra dicitur, similiter capientium fiant) pœnis, requirimus et monemus, quatenus omni morâ, et excusatione postpositâ, eos, 172
et eorum singulos, ac ipsorum milites et stipendiarios, tam equestres quam pedestres, aliosque quoscumque, qui eis cum armis faverint, de regno et dominiis prædictis, etiam vi armorum, si opus fuerit, expellant: ac quod Henricus rex, et ejus complices, fautores, adhærentes, consultores, et sequaces, mandatis nostris non obtemperantes prædicti, de civitatibus, terris, castris, villis, oppidis, fortaliciis, aut aliis locis regni et dominii prædictorum se non intromittant, procurent: eis sub omnibus et singulis pœnis prædictis inhibentes, ne in favorem Henrici, ejusque complicum, fautorum, adhærentium, consultorum, et sequacium aliorumque monitorum prædictorum, mandatis nostris non obtemperantium, arma cujuslibet generis offensiva, vel defensiva, machinas quoque bellicas, seu tormenta (artellarias nuncupata) sumant aut teneant, seu illis utantur, aut armatos aliquos præter consuetam familiam parent, aut ab Henrico rege, complicibus, fautoribus, adhærentibus, consultoribus, et sequacibus, vel aliis in regis ipsius favorem paratos, quomodolibet, quâvis occasione vel causâ, per se vel alium seu alios, publice

vel occulte, directe vel indirecte teneant, vel receptent, aut dicto Henrico regi seu illius complicibus, fautoribus, adhærentibus, consultoribus, et sequacibus prædictis, consilium, auxilium, vel quomodolibet ex quâvis causâ, vel quovis quæsito colore sive ingenio, publice vel occulte, directe vel indirecte, tacite vel expresse, per se vel alium seu alios præmissis, vel aliquo præmissorum præstent, seu præstari faciant quoquomodo.

15. Præterea ad dictum Henricum regem facilius ad sanitatem, et præfatæ sedis obedientiam reducendum, omnes et singulos Christianos principes, quâcumque etiam imperiali et regali dignitate fulgentes, per viscera misericordiæ Dei nostri (cujus causa agitur) hortamur et in Domino requirimus, eis nihilominus, qui imperatore et rege inferiores fuerint, quos propter excellentiam dignitatis a censuris excipimus, sub excommunicationis pœnâ mandantes, ne Henrico regi ejusque complicibus, fautoribus, adhærentibus, consultoribus, et sequacibus, vel eorum alicui, per se vel alium seu alios, publice vel occulte, directe vel indirecte, tacite vel expresse, etiam sub prætextu confœderationum aut obligationum quarumcumque etiam juramento, aut quâvis aliâ firmitate roboratarum, et sæpius geminatarum, a quibus quidem obligationibus et juramentis omnibus, nos eos et eorum singulos eisdem auctoritate et scientiâ ac plenitudine per præsentes absolvimus, ipsasque confœderationes et obligationes tam factas, quam in posterum faciendas, quas tamen (in quantum Henricus rex et complices, fautores, adhærentes, consultores, et sequaces prædicti circa præmissa, vel eorum aliquod se directe vel indirecte juvare possent) sub eâdem pœnâ fieri prohibemus, nullius roboris vel momenti, nullasque, irritas, cassas, inanes, ac pro infectis habendas fore decernimus et declaramus, consilium, auxilium, vel favorem quomodolibet præstent; quinimo si qui illis, aut eorum alicui ad præsens quomodolibet assistant, ab ipsis omnino et cum affectu recedant. Quod si non fecerint postquam præsentes publicatæ et executioni demandatæ fuerint, et dicti termini lapsi fuerint, omnes et singulas civitates, terras, oppida, castra, villas, et alia loca eis subjecta, simili ecclesiastico interdicto supponimus, volentes ipsum interdictum donec ipsi principes a consilio, auxilio, et favore Henrico regi et complicibus, fautoribus, adhærentibus, consultoribus et sequacibus prædictis præstando destiterint, perdurare.

16. Insuper tam principes prædictos, quam quoscumque alios, 173
etiam ad stipendia quorumcumque Christi fidelium militantes, et alias quascumque personas, tam per mare, quam per terras, armigeros habentes, similiter hortamur et requirimus, et nihilominus eis in virtute sanctæ obedientiæ mandantes, quatenus contra Henricum regem, complices, fautores, adhærentes, consultores, et sequaces prædictos, dum in erroribus prædictis, ac adversus sedem prædictam, rebellione permanserint, armis insurgant, eosque et eorum singulos persequantur, ac ad unitatem ecclesiæ, et obedientiam dictæ sedis redire cogant et compellant; et tam eos quam ipsorum subditos et vassallos, ac civitatum, terrarum, castrorum, oppidorum, villarum, et locorum suorum incolas, et habitatores, aliasque omnes et singulas personas supra dictis mandatis nostris, ut præfertur, non obtemperantes, et quæ præfatum Henricum regem, postquam censuras, et pœnas prædictas incurrerit, in dominum quomodolibet, etiam de facto cognoverint, vel ei quovis modo obtemperare præsumpserint, aut qui eum, ac complices, fautores, adhærentes, consultores, sequaces ac alios non obtemperantes prædictos, ex regno et dominiis prædictis, ut præfertur, expellere noluerint, ubicumque eos invenerint, eorumque bona, mobilia et immobilia, mercantias, pecunias, navigia, credita, res, et animalia, etiam extra territorium dicti Henrici regis ubilibet consistentia, capiant.

17. Nos enim eis bona, mercantias, pecunias, navigia, res, et animalia prædicta sic capta, in proprios eorum usus convertendi, eisdem auctoritate, scientiâ, et potestatis plenitudine, plenariam licentiam, facultatem et auctoritatem concedimus, illa omnia ad eosdem capientes plenarie pertinere, et spectare, et personas ex regno et dominiis prædictis originem trahentes, seu in illis domicilium habentes, aut quomodolibet habitantes, mandatis nostris prædictis non obtemperantes, ubicumque eos capi contigerit, capientium servos fieri decernentes: præsentesque literas quoad hoc ad omnes alios cujuscumque dignitatis, gradûs, statûs, ordinis, vel conditionis fuerint, qui ipsi Henrico regi, vel ejus complicibus, fautoribus, adhærentibus, consultoribus, et sequacibus, aut aliis monitionibus, et mandatis nostris hujusmodi quoad commercium non obtemperantibus, vel eorum alicui victualia, arma, vel pecunias subministrare, aut cum eis commercium habere, seu auxilium, consilium, vel favorem, per

se vel alium, seu alios, publice vel occulte, directe vel indirecte, quovis modo contra tenorem præsentium præsumpserint, extendentes.

18. Et ut præmissa facilius iis quos concernunt innotescant, universis et singulis patriarchis, archiepiscopis, episcopis, et patriarchalium metropolitanarum et aliarum cathedralium, et collegiatarum ecclesiarum prælatis, capitulis, aliisque personis ecclesiasticis, sæcularibus ac quorumvis ordinum regularibus, necnon omnibus et singulis, etiam mendicantium ordinum professoribus, exemptis et non exemptis, ubilibet constitutis, per easdem præsentes sub excommunicationis et privationis ecclesiarum, monasteriorum, ac aliorum beneficiorum ecclesiasticorum, graduum quoque et officiorum, necnon privilegiorum, et indultorum quorumcumque etiam a sede prædictâ quomodolibet emanatorum pœnis ipso facto incurrendis, præcipimus et mandamus, quatenus ipsi ac eorum singuli, si, et postquam vigore præsentium desuper requisiti fuerint, infra tres dies immediate sequentes, præfatum
174 Henricum regem, omnesque alios et singulos, qui supra dictas censuras et pœnas incurrerint, in eorum ecclesiis, Dominicis et aliis festivis diebus, dum major inibi populi multitudo ad divina convenerit, cum crucis vexillo, pulsatis, campanis, et accensis ac demum extinctis, et in terram projectis, et conculcatis candelis, et aliis in similibus servari solitis cæremoniis servatis, excommunicatos publice nuncient, et ab aliis nuntiari, ac ab omnibus arctius evitari faciant et mandent, necnon sub supra dictis censuris et pœnis, præsentes literas, vel earum transumptum, sub formâ infra scriptâ confectum, infra terminum trium dierum, postquam, ut præfertur, requisiti fuerint, in ecclesiis, monasteriis, conventibus, et aliis eorum locis, publicari et affigi faciant.

19. Volentes, omnes et singulos cujuscumque statûs, gradûs, conditionis, præeminentiæ, dignitatis, aut excellentiæ fuerint, qui quo minus præsentes literæ vel earum transumpta, copiæ, seu exemplaria, in suis civitatibus, terris, castris, oppidis, villis, et locis legi et affigi, ac publicari possint, per se, vel alium, seu alios, publice vel occulte, directe vel indirecte impediverint, easdem censuras et pœnas, ipso facto incurrere. Et cum fraus et dolus nemini debeant patrocinari, ne quisquam ex his, qui alicui regimini et administrationi deputati sunt, infra tempus sui regiminis seu administrationis prædictas sententias, censuras,

et pœnas sustineat, quasi post dictum tempus sententiis, censuris et pœnis prædictis amplius ligatus non existat, quemcumque qui dum in regimine, et administratione existens, monitioni et mandato nostris, quoad præmissa vel aliquid eorum obtemperare noluerit, etiam deposito regimine, et administratione hujusmodi, nisi paruerit, eisdem censuris et pœnis subjacere decernimus.

20. Et ne Henricus rex ejusque complices, et fautores, adhærentes, consultores, et sequaces, aliique quos præmissa concernunt, ignorantiam earumdem præsentium literarum, et in eis contentorum prætendere valeant, literas ipsas (in quibus omnes et singulos, tam juris, quam facti, etiam solemnitatum, et processuum citationumque omissarum defectus, etiam si tales sint, de quibus specialis, et expressa mentio facienda esset, propter notorietatem facti, auctoritate, scientiâ, et potestatis plenitudine, similibus, supplemus) in basilicæ principis apostolorum, et cancellariæ apostolicæ de urbe, et in partibus in collegiatæ Beatæ Mariæ Burgensis, Tornacensis et parochialis de Dunkerke oppidorum Morinensis diœcesis, ecclesiarum valvis affigi, et publicari mandamus: decernentes quod earumdem literarum publicatio sic facta, Henricum regem, ejusque complices, fautores, adhærentes, consultores, et sequaces, omnesque alios, et singulos quos literæ ipsæ quomodolibet concernunt, perinde eos arctent, ac si literæ ipsæ eis personaliter lectæ, et intimatæ fuissent, cum non sit verisimile, quod ea, quæ tam patenter fiunt, debeant apud eos incognita remanere.

21. Cæterum quia difficile foret præsentes literas ad singula quæque loca, ad quæ necessarium esset deferri, volumus et dictâ auctoritate decernimus, quod earum transumptis manu publici notarii confectis, vel in almâ urbe impressis, ac sigillo alicujus personæ in dignitate ecclesiasticâ constitutæ munitis, ubique eadem fides adhibeatur, quæ originalibus adhiberetur, si essent exhibitæ vel ostensæ.

22. Nulli ergo omnino hominum liceat hanc paginam nostræ monitionis, aggravationis, reaggravationis, declarationis, percussionis, suppositionis, inhabilitationis, absolutionis, liberationis, requisitionis, inhibitionis, hortationis, exceptionis, prohibitionis, 175
concessionis, extensionis, suppletionis, mandatorum, voluntatis, et decretorum, infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare præsumpserit, indignationem Omni-

potentis Dei, ac beatorum Petri et Pauli apostolorum ejus, se noverit incursurum.

Dat. Romæ apud Sanctum Marcum. Anno incarnationis Dom. 1535. 3 kal. Sept. pont. nostri anno primo.

Sequitur suspensio executionis dictæ bullæ, et tandem ejus revocatio, et executio.

Paulus episcopus servus servorum Dei, ad perpetuam rei memoriam.

CUM Redemptor noster ideo illum qui ipsum negaverat, Petrum videlicet, universæ ecclesiæ præficere voluerit, ut in suâ culpâ disceret aliis esse miserendum, non immerito Romanus pontifex qui ipsius Petri in dignitate successor existit, debet etiam in officio exercendæ misericordiæ ipsius esse successor. Sed cum in eum dirigitur misericordia, qui ex hoc fit insolentior, et obstinatior, aliosque secum trahit in perditionem, debet ipse Romanus pontifex, postpositâ in eum misericordiâ, omnem severitatem adhibere, quo membrum illud putridum ita a corpore separetur, ut reliqua membra absque metu contagionis salva remaneant, præsertim cum pluribus curis adhibitis, et multo tempore in hoc consumpto, morbum quotidie magis invalescere, ipsa experientia comprobat.

1. Alias cum nobis relatum fuisset, quod Henricus Angliæ rex, præter ea quæ matrimonium de facto, et contra prohibitionem ecclesiæ temerarie contractum concernebant, quasdam leges, seu generales constitutiones subditos suos ad hæresim, et schisma trahentes ediderat, et bonæ memoriæ Joannem tituli Sancti Vitalis presbyterum cardinalem Roffensem publice damnari et capite puniri, ac alios quamplures prælatos, necnon alias personas ecclesiasticas hæresi et schismati hujusmodi adhærere nolentes, carceribus mancipari fecerat; Nos, licet illi qui talia nobis retulerant tales essent, ut nullo modo de veritate suorum dictorum ambigendum esset, cupientes tamen respectu ipsius Henrici regis, quem antequam in has insanias incideret, peculiari quâdam charitate prosequebamur, prædicta falsa reperiri, de eis informationem ulteriorem habere procuravimus, et invenientes clamorem ad nos delatum verum esse, ne nostro officio deessemus, contra eum procedere decrevimus, juxta formam

quarumdam literarum nostrarum, quarum tenor sequitur; et est talis, &c.

Omittitur insertio, quia bulla ipsa est quæ præcedit.

2. Dum autem postea ad dictarum literarum executionem deveniendum esse statuimus, cum nobis per nonnullos principes, et alias insignes personas persuaderetur, ut ab executione hujusmodi per aliquantum tempus supersederemus, spe nobis 176
datâ, quod interim ipse Henricus rex ad cor rediret et resipisceret; Nos qui, ut hominum natura fert, facile credebamus quod desiderabamus, dictam exequutionem suspendimus, sperantes (ut spes nobis data erat) ex ipsâ suspensione, correctionem et resipiscentiam, non autem pertinaciam et obstinationem, ac majorem delirationem, ut rei effectus edocuit, proventuram.

3. Cum itaque resipiscentia et correctio hujusmodi quam tribus fere annis expectavimus, non solum postea sequuta non sit, sed ipse Henricus rex quotidie magis se in suâ feritate, ac temeritate confirmans in nova etiam scelera proruperit, quippe cum non contentus vivorum prælatorum et sacerdotum crudelissimâ trucidatione, etiam in mortuos, et eos quidem quos in sanctorum numerum relatos universalis ecclesia pluribus sæculis venerata est, feritatem exercere non expavit, Divi enim Thomæ Cantuariensis archiepiscopi, cujus ossa, quæ in dicto regno Angliæ potissimum, ob innumera ab omnipotenti Deo illic perpetrata miracula, summâ cum veneratione in arcâ aurcâ in civitate Cantuariensi servabantur, postquam ipsum Divum Thomam, ad majorem religionis contemptum, in judicium vocari, et tamquam contumacem damnari ac proditorem declarari fecerat, exhumari, et comburi, ac cineres in ventum spargi jussit, omnem plane cunctarum gentium crudelitatem superans, cum ne in bello quidem hostes victores sævire in mortuorum cadavera soliti sint; ad hæc omnia ex diversorum regum etiam Anglorum, et aliorum principum liberalitate donaria, ipsi arcæ appensa, quæ multa, et maximi pretii erant, sibi usurpavit; nec putans ex hoc satis injuriæ religionis intulisse, monasterium Divo illi Augustino, a quo Christianam fidem Angli acceperunt, in dictâ civitate dicatum, omnibus thesauris, qui etiam multi et magni erant, spoliavit, et sicut se in belluam transmutavit, ita etiam

belluas quasi socias suas honorare voluit, feras videlicet in dicto monasterio, expulsis monachis, intromittendo, genus quidem sceleris non modo Christi fidelibus, sed etiam Turcis inauditum et abominandum.

4. Cum itaque morbus iste a nullo quantumvis peritissimo medico aliâ curâ sanari possit, quam putridi membri abscissione, nec valeret cura hujusmodi, absque eo, quod nos apud Deum causam hanc nostram efficiamus ulterius retardari, ad dictarum literarum (quas ad hoc ut Henricus res, ejusque complices, fautores, adhærentes, consultores, et sequaces, etiam super excessibus per eum novissime, ut præfertur perpetratis, intra terminum eis, quoad alia, per alias nostras literas prædictas respective præfixas, se excusare, alias pœnas ipsis literis contentas incurrant, extendimus et ampliamus) publicationem, et deinde, Deo duce, ad executionem procedere omnino statuimus. Et quia a fide dignis accepimus, quod si ipsarum et præsentium literarum publicatio Dieppæ Rothomagensis, vel Boloniæ Ambianensis diœcesis oppidis in Franciæ, aut civitate Sancti Andreæ, seu in oppido Calistrensi Sancti Andreæ diœcesis in Scotiæ regnis, vel in Thuamensi et Artifertensi civitatibus, vel diœcesibus dominii Iberniæ fiat, non solum tam facile, ut si in locis in dictis literis expressis fieret, sed facilius ipsarum literarum tenor, ad Henrici, et aliorum quos concernunt, præsertim Anglorum, notitiam deveniret ; Nos volentes in hoc opportune providere, motu, scientiâ, et potestatis plenitudine prædictis decernimus, quod publicatio literarum superius insertarum, quarum insertioni
177 superius factæ, ac ipsis originalibus quoad validitatem publicationis, seu executionis præsentium, fidem adhiberi volumus, in duobus ex locis præsentibus literis expressis, alias juxta supra insertarum, et præsentium literarum tenorem facta, etiam si in locis extra Romanam curiam in dictis præinsertis literis specificatis hujusmodi publicatio non fiat, perinde Henricum regem, et alios quos concernunt præsertim Anglos afficiat, ac si Henrico regi et aliis prædictis præsertim Anglis personaliter intimatæ fuissent.

5. Quodque præsentium transumptis, juxta modum præinsertis literis expressum factis, tam in judicio quam extra, eadem fides adhibeatur, quæ originalibus adhiberetur, si forent exhibitæ, vel ostensæ.

6. Non obstantibus constitutionibus et ordinationibus aposto-

licis, necnon omnibus illis, quæ in dictis literis voluimus non obstare, cæterisque contrariis quibuscumque.

7. Nulli ergo omnino hominum liceat hanc paginam nostri decreti, et voluntatis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare præsumpserit, indignationem Omnipotentis Dei, ac beatorum Petri et Pauli apostolorum ejus, se noverit incursurum.

Dat. Romæ apud S. Petrum, anno incarnationis Dominicæ millesimo quingentesimo trigesimo octavo, decimo sexto kal. Januarii, pontificatûs nostri anno quinto [40].

[40] [All the previous editions contain this document very inaccurately printed. It has been corrected for this edition according to the edition of the Bullarium referred to in the margin, with the alteration only of two or three manifest misprints.]

Number X. [p. 249.]

The judgment of some bishops concerning the king's supremacy. An original[41].

THE words of John in his 20th chap. *Sicut misit me Pater, et ego mitto vos, &c.* hath no respect to a king's or a prince's power, but only to shew how that the ministers of the word of God, chosen and sent for that intent, are the messengers of Christ, to teach the truth of his gospel, and to loose and bind sin, &c. as Christ was the messenger of his Father. The words also of St. Paul, in the 20th chap. of the Acts; *Attendite vobis et universo gregi, in quo vos Spiritus Sanctus posuit episcopos regere ecclesiam Dei,* were spoken to the bishops and priests, to be diligent pastors of the people, both to teach them diligently, and also to be circumspect that false preachers should not seduce the people, as followeth immediately after in the same place. Other places of scripture declare the highness and excellency of Christian princes' authority and power; the which of a truth is most high, for he hath power and charge generally over all, as well bishops, and priests, as other. The bishops and priests have charge of souls within their own cures, power to minister sacraments, and to teach the word of God; to the which word of God Christian princes knowledge themselves subject; and in case the bishops be negligent, it is the Christian princes' office to see them do their duty.

Ex MSS. D. Stillingfleet. [State Papers, vol. i. pt. 2. No. 84. p. 544.]

T. Cantuarien.
Joannes London.
Cuthbertus Dunelmen.
Jo. Bat. Wellen.
Thomas Elien.
Johannes Bangor.
Nicolaus Sarisburien.
Hugo Wygorn.
Joannes Roffen.

41 [The editor has been unable to discover this paper at Lambeth. The original is in the State Paper Office, from which it has been printed in the 'State Papers of the reign of Henry VIII.' It consists of three paragraphs of which the paragraph in the text is the last. The first two paragraphs appear in the text of the History, p. 174, and were apparently transcribed by the author from the Stillingfleet MSS. to which he there refers. They are in MS. 1107, fol. 163, and are signed by the four bishops in their own hands. They have been printed in Wilkins' Concilia, iii. p. 839, but with a reference only to Burnet.]

Addenda, Number V. [p. 249.] 321

A declaration made of the functions and divine institution of bishops and priests. An original.

Cotton lib. Cleop. E. v. fol. 45.

As touching the sacrament of holy orders, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge.

First, How that Christ and his apostles did institute and ordain in the New Testament, that beside the civil powers and governance of kings and princes, which is called in scripture *potestas gladii*, the power of the sword, there should also be continually in the church militant, certain other ministers or officers, which should have special power, authority and commission under Christ, to preach and teach the word of God, unto his people, to dispense and administer the sacraments of God unto them; and by the same to confer and give the grace of the Holy Ghost, to consecrate the blessed body of Christ in the Sacrament of the Altar, to loose and absoile from sin, all persons which be duly penitent and sorry for the same; to bind and excommunicate such as be guilty in manifest crimes and sins, and[42] will not amend their defaults; to order and consecrate others in the same room, order and office, whereunto they be called and admitted themselves; and finally to feed Christ's people like good pastors and rectors, as the apostles calleth them, with their wholesome doctrine, and by their continual exhortations and monitions, to reduce them from sin and iniquity, so much as in them lieth, and to bring them unto the perfect knowledge, the perfect love and dread of God, and unto the perfect charity of their neighbours.

Item, That this office, this ministration, this power and authority is no tyrannical power, having no certain laws or limits, within the which it ought to be contained, nor yet none absolute power, but it is a moderate power, subject, determined

[42] ['The original has here the words, 'being admonished,' erased.]

and restrained unto those certain limits and ends for the which the same was appointed by God's ordinance, which, as was said before, is only to administer and distribute unto the members of Christ's mystical body, spiritual and everlasting things; that is to say, the pure and heavenly doctrine of Christ's gospel, and the grace conferred in his sacraments. And therefore this said power and administration is called in some places of scripture, *donum et gratia,* a gift and a grace; and in some places it is called *claves sive potestas clavium,* that is to say, the keys, or the power of the keys, whereby is signified a certain limited office restrained unto the execution of a special function or ministration, according to the saying of
322 saint Paul in the first chapter of his Epistle to the Romans, and in the fourth chapter of his first Epistle unto Timothy, and also in the fourth chapter of his Epistle unto the Ephesians, where he writeth in this sentence; *Quum ascendisset Christus in altum, captivam duxit captivitatem, et dedit dona hominibus, dedit autem alios quidem apostolos, alios vero prophetas, alios vero Evangelistas, alios autem pastores ac doctores, ad instauracionem sanctorum, in opus administracionis, in ædificacionem corporis Christi, donec perveniamus omnes in unitatem fidei et agnicionis Filii Dei, in virum perfectum, in mensuram ætatis plene adultæ Christi, &c.* That is to say, "When Christ ascended into heaven, he subdued and vanquished very captivity herself, and led or made her thrall and captive, and distributed and gave divers heavenly gifts and graces unto men here in earth; and among all, he made some the apostles, some priests, some Evangelists, some pastors and doctors, to the intent they should execute the work and office of their administration, to the instauration, instruction, and edifying of the members of Christ's mystical body: and that they should also not cease from the execution of their said office, until all the said members were not only reduced and brought unto the unity of the faith, and the knowledge of the Son of God, but also that they were come unto a perfect state, and full age therein, that is to say, until they were so established and confirmed in the same, that they could no more afterward be wavering therein, and be led or carried like children, into any contrary doctrine or opinion, by the craft and subtile persuasion of the

false pastors and teachers, which go about by craft, to bring them into erroneous opinions, but that they should constantly follow the true doctrine of Christ's gospel, growing and increasing continually by charity unto a perfect member of that body, whereof Christ is the very Head. In whom, if the whole body, that is to say, if every part and member be grown and come unto his perfect estate, not all in like, but every one according to the gift and quality which is deputed unto it, and so be compacted, united, and corporated together in the said body, no doubt but that whole body and every part thereof shall thereby be made the more perfect and the more strong, by reason of that natural love and charity, which one member so united in the body hath unto the other." By which words it appeareth evidently not only that saint Paul accounted and numbered this said power and office of the pastors and doctors among the proper and special gifts of the Holy Ghost, but also it appeareth that the same was a limited power and office, ordained specially and only for the causes and purposes before rehearsed.

Item, That this power, office, and administration is necessary to be preserved here in earth for three special and principal causes. First, for that it is the commandment of God it should so be, as it appeareth in sundry places of scripture. Second, for that God hath instituted and ordained none other ordinary mean or instrument, whereby he will make us partakers of the reconciliation which is by Christ, and confer and give the graces of his Holy Spirit unto us, and make us the right inheritors of everlasting life, there to reign with him for ever 323
in glory, but only his word and sacraments; and therefore the office and power to minister the said word and sacraments may in no wise be suffered to perish, or to be abolished, according to the saying of saint Paul, *Quomodo credent in eum de quo non audierunt? Quomodo autem audient sine prædicante? Quomodo autem prædicabunt nisi missi fuerunt? Sicut scriptum est, Quam speciosi super montes pedes evangelizancium pacem, annunciancium bona!* Thirdly, because the said power and office or function hath annexed unto it assured promises of excellent and inestimable things: for thereby is conferred and given the Holy Ghost with all his graces, and finally our justification and everlasting life, according to the

saying of saint Paul, *Non me pudet evangelii Jesu Christi, potentia siquidem est Dei ad salutem omni credenti;* that is to say, I am not ashamed of the room and office which I have, given unto me by Christ, to preach his gospel, for it is the power of God, that is to say, the elect organ or instrument ordained by God and endued with such virtue and efficacy, that it is able to give and minister effectually everlasting life unto all those that will believe and obey unto the same.

Item, That this office, this power and authority was committed and given by Christ and his apostles unto certain persons only, that is to say, unto priests or bishops, whom they did elect, call, and admit thereunto by their prayer and imposition of their hands.

Second, We will that all bishops and preachers shall instruct and teach our people committed unto their spiritual charge, that the sacrament of order may worthily be called a sacrament, because it is a holy rite, or ceremony instituted by Christ and his apostles in the New Testament, and doth consist of two parts, like as the other sacraments of the church do; that is to say, of a spiritual and an invisible grace, and also of an outward and a visible sign. The invisible gift or grace conferred in this sacrament, is nothing else but the power, the office and the authority before mentioned: the visible and outward sign, is, the prayer and imposition of the bishop's hands, upon the person which receiveth the said gift or grace. And to the intent the church of Christ should never be destituted of such ministers, as should have and execute the said power of the keys, it was also ordained and commanded by the apostles, that the same sacrament should be applied and ministered by the bishop from time to time, unto such other persons as had the qualities which the apostles very diligently discryve; as it appeareth evidently in the third chapter of the first Epistle of saint Paul to Timothy, and the first chapter of his Epistle unto Titus. And surely this is the whole virtue and efficacy, and the cause also of the institution of this sacrament as it is found in the New Testament; for albeit, the holy fathers of the church which succeeded the apostles, minding to beautify and ornate the church of Christ with all those things which were commendable in the temple of the Jews, did devise not only certain other ceremonies than be before

rehearsed, as tonsures, rasures, unctions, and such other observances to be used in the administration of the said sacraments, but did also institute certain inferior orders or degrees, as janitors, lectors, exorcists, acolites, and subdeacons, and deputed to every one of those certain offices to execute in the church, wherein they followed undoubtedly the example and rites used in the Old Testament; yet the truth is, that in the New Testament there is no mention made of any degrees or distinctions in orders, but only[43] of deacons or ministers, and of priests or bishops: nor is there any word spoken of any other ceremony used in the conferring of this sacrament, but only of prayer, and the imposition of the bishop's hands.

Thomas Crumwell.
T. Cantuarien.
Edouardus Ebor.
Cuthbertus Dunelmensis.
Joannes London.
Joannes Lincoln.
Joannes Bathoniens.
Thomas Elien.
Joannes Bangor.
Nicolaus Sarum.
Edwardus Hereforden.
Hugo Wygorn.
Joannes Roffen.
Rich. Cicestr.
Ric. Wolman.
Joannes Bell.
Willielmus Clyff.
Robertus Aldrydge.
Galfridus Downes.
Joannes Skyppe.
Cuthbertus Marshâll.
Marmaduke Waldeby.
Nicholaus Heyth.
Rob. Oking.
Rodolphus Bradford.
Richard Smith.
Simon Matthew.
Joannes Pryn.
Gulielmus Bukmastre.
Willielmus Maye.
Nicolaus Wotton.
Richardus Cox.
Joannes Redmain[44].
Thomas Robertson.
Thomas Baret.
Johannes Nase.
Johannes Barbar.
Johannes Tyson[45].

Sacræ theologiæ, juris ecclesiastici et civilis professores.

[43] [The original has here 'of two, that is to saye,' erased.]

[44] It is not Redman. It is difficult to be read. It seems to be Edmondes. [S.]

[45] [This name was omitted in the folios, and the author added,] Some other hands there are that cannot be read.

178 Number XI. [p. 249.]

Injunctions to the clergy made by Cromwell[46].

[*Injunctions given by the authority of the king's highness to the clergy of this his realm.*]

IN THE NAME OF GOD, AMEN. By the authority and commission of the excellent prince Henry, by the grace of God, king of England and of France, defensor of the faith; lord of Ireland; and in earth supreme head, under Christ, of the church of England. I Thomas lord Crumwell, lord privy-seal, vicegerent to the king's said highness, for all his jurisdiction ecclesiastical within this realm, do, for the advancement of the true honour of Almighty God, increase of virtue, and discharge of the king's majesty, give and exhibit unto you these injunctions following, to be kept, observed, and fulfilled, upon the pains hereafter declared. Regist. Cranm. fol. 99. b.

FIRST; That ye shall truly observe and keep all and singular the king's highness' injunctions, given unto you heretofore in my name, by his grace's authority; not only upon the pains therein expressed, but also in your default now after this second monition continued, upon further punishment to be straitly extended towards you by the king's highness' arbitrement, or his vicegerent aforesaid.

ITEM; That ye shall provide on this side the feast of next coming, one book of the whole Bible of the largest volume in English, and the same set up in some convenient place within the said church that ye have cure of, whereas your parishioners may most commodiously resort to the same and read it; the charge of which book shall be ratably born between you the parson and the parishioners aforesaid, that is to say, the one half by you, and the other half by them.

[46] These injunctions, exhibited anno 1538, were printed by Berthelet *cum privilegio* containing some small variations which might have been noted in the margin, (as some other little things might,) but they are not considerable. [B.]

ITEM; That ye shall discourage no man privily or apertly from the reading or hearing of the said Bible, but shall expressly provoke, stir, and exhort every person to read the same, as that which is the very lively word of God, that every Christian man is bound to embrace, believe, and follow, if he look to be saved; admonishing them nevertheless to avoid all contention, altercation therein, and to use an honest sobriety in the inquisition of the true sense of the same, and refer the explication of obscure places to men of higher judgment in scripture.

ITEM; That ye shall every Sunday and holy-day through the year, openly and plainly recite to your parishioners, twice or thrice together, or oftener, if need require, one particle or sentence of the *Pater Noster*, or Creed, in English, to the intent they may learn the same by heart; and so from day to day, to give them one like lesson or sentence of the same, till they have learned the whole *Pater Noster* and Creed, in Englglish, by rote. And as they be taught every sentence of the same by rote, ye shall expound and declare the understanding of the same unto them, exhorting all parents and householders to teach their children and servants the same, as they are bound in conscience to do. And that done, ye shall declare unto them the Ten Commandments, one by one, every Sunday 179
and holy-day, till they be likewise perfect in the same.

ITEM; That ye shall in confessions every Lent examine
[fol. 100.] every person that cometh to confession unto you, whether they can recite the articles of our faith, and the *Pater Noster* in English, and hear them say the same particularly; wherein if they be not perfect, ye shall declare to the same, that every Christian person ought to know the same before they should receive the blessed sacrament of the altar; and monish them to learn the same more perfectly by the next year following, or else, like as they ought not to presume to come to God's board without perfect knowledge of the same, and if they do, it is to the great peril of their souls; so ye shall declare unto them, that ye look for other injunctions from the king's highness by that time, to stay and repel all such from God's board as shall be found ignorant in the premisses, whereof ye do thus admonish them, to the intent they should both eschew the peril of their souls, and also the worldly rebuke that they might incur hereafter by the same.

ITEM; That ye shall make, or cause to be made, in the said church, and every other cure ye have, one sermon every quarter of the year at the least, wherein ye shall purely and sincerely declare the very gospel of Christ, and in the same exhort your hearers to the works of charity, mercy, and faith, specially prescribed and commanded in scripture, and not to repose their trust or affiance in any other works devised by men's fantasies beside scripture: as in wandering to pilgrimages, offering of money, candles, or tapers, to images, or reliques; or kissing or licking the same, saying over a number of beads, not understanded or minded on, or in such-like superstition; for the doing whereof, ye not only have no promise of reward in scripture, but contrariwise great threats and maledictions of God, as things tending to idolatry and superstition, which of all other offences God Almighty doth most detest and abhor, for that the same diminisheth most his honour and glory.

ITEM; That such feigned images as ye know in any of your cures to be so abused with pilgrimages or offerings of any thing made thereunto, ye shall, for avoiding of that most detestable offence of idolatry, forthwith take down, and delay; and shall suffer from henceforth no candles, tapers, or images of wax to be set afore any image or picture, but only the light that commonly goeth across the church by the rode-loft, the light before the sacrament of the altar, and the light about the sepulchre; which for the adorning of the church, and divine service, ye shall suffer to remain still: admonishing your parishioners, that images serve for none other purpose, but as to be books of unlearned men, that can no letters, whereby they might be otherwise admonished of the lives and conversation of them that the said images do represent; which images if they abuse, for any other intent than for such remembrances, they commit idolatry in the same, to the great danger of their souls: and therefore the king's highness graciously tendering the weal of his subjects' souls, hath in part already, and more
180 will hereafter, travail for the abolishing of such images as might be an occasion of so great an offence to God, and so great a danger to the souls of his loving subjects.

ITEM; That all in such benefices, or cures, as ye have, whereupon ye be not yourself resident, ye shall appoint such curates in your stead, as both can by their hability, and will also

promptly, execute these injunctions, and do their duty otherwise; that ye are bound in every behalf accordingly, and may profit their cure, no less with good example of living, than with declaration of the word of God, or else their lack and defaults shall [be][47] imputed unto you, who shall straitly answer for the same if they do otherwise.

ITEM; That ye shall admit no man to preach within any your benefices or cures, but such as shall appear unto you to be sufficiently licensed thereunto by the king's highness, or his grace's authority, by the archbishop of Canterbury, or the bishop of this diocese; and such as shall be so licensed, ye shall gladly receive to declare the word of God, without any resistance or contradiction.

ITEM; If ye have heretofore declared to your parishioners any thing to the extolling or setting forth of pilgrimages, feigned reliques, or images, or any such superstition, ye shall now openly afore the same recant and reprove the same, shewing them (as the truth is) that ye did the same upon no ground of scripture, but as one led and seduced by a common erro and abuse crept into the church, through the sufferance and avarice of such as felt profit by the same.

ITEM; If ye do or shall know any man within your parish, or elsewhere, that is a letter of the word of God to be read in English, or sincerely preached, or of the execution of these injunctions; or a fautor of the bishop of Rome's pretensed power, now by the laws of this realm justly rejected and extirped; ye shall detect and present the same to the king's highness, or his honourable council, or to his vicegerent aforesaid, or the justice of peace next adjoining.

ITEM; That you, and every parson, vicar, or curate within this diocese, shall for every church keep one book or register, wherein ye shall write the day and year of every wedding, christening, and burying, made within your parish for your time, and so every man succeeding you likewise; and also there insert every person's name that shall be so wedded, christened, or buried; and for the safe keeping of the same book, the parish shall be bound to provide, of their common charges, one sure coffer with two locks and keys, whereof the one to remain with you, and the other with the wardens of

[47] [This word has been accidentally omitted in the MS.]

every such parish wherein the said book shall be laid up; which book ye shall every Sunday take forth, and in the presence of the said wardens, or one of them, write and record in the same, all the weddings, christenings, and buryings, made the whole week afore; and that done, to lay up the book in the said coffer, as afore; and for every time that the same
181 shall be omitted, the party that shall be in the fault thereof, shall forfeit to the said church 3*s.* 4*d.* to be employed on the reparation of the same church.

ITEM; That ye shall every quarter of a year read these and the other former injunctions, given unto you by the authority of the king's highness, openly and deliberately before all your parishioners, to the intent that both you may be the better admonished of your duty, and your said parishioners the more incited to ensue the same for their part.

ITEM; Forasmuch as by a law established, every man is bound to pay his tithes; no man shall, by colour of duty, omitted by their curates, detain their tithes, and so redubbe one wrong with another, or be his own judge, but shall truly [fol. 101.] pay the same, as hath been accustomed, to their parsons and curates, without any restraint or diminution; and such lack or default as they can justly find in their parsons and curates, to call for reformation thereof at their ordinaries', and other superiors' hands; who, upon complaint, and due proof thereof, shall reform the same accordingly.

ITEM; That no parson shall from henceforth alter or change the order and manner of any fasting-day that is commanded and indicted by the church, nor of any prayer, or divine service, otherwise than is specified in the said injunctions, until such time as the same shall be so ordered and transposed by the king's highness' authority; the eves of such saints, whose holy-days be abrogated, only excepted, which shall be declared henceforth to be no fasting-days; excepted, also the commemoration of Thomas Becket, some time archbishop of Canterbury, which shall be clean omitted, and in the stead thereof, the ferial service used.

ITEM; That the knolling of the aves after service, and certain other times, which hath been brought in and begun by the pretence of the bishop's of Rome pardon, henceforth be left

and omitted, lest the people do hereafter trust to have pardon for the saying of their aves, between the said knolling, as they have done in times past.

ITEM; Where in times past men have used in divers places in their processions to sing *Ora pro nobis* to so many saints, that they had no time to sing the good suffrages, following, as *Parce nobis Domine,* and *Libera nos Domine,* it must be taught, and preached, that better it were to omit *Ora pro nobis,* and to sing the other suffrages.

ALL WHICH and singular injunctions I minister unto you and to your successors, by the king's highness' authority to me committed in this part, which I charge and command you by the same authority to observe and keep upon pain of deprivation, sequestration of your fruits, or such other coercion as [to] the king's highness, or his vicegerent for the time being, shall seem convenient.

These are also in the bp. of London's Register, fol. 29, 30, *with Bonner's mandate to his archdeacons*[48] *for observing them,* 30 *Sept.* 1541. *anno regn.* 32.

[48] [Bonner's Register, fol. 30 b, contains the mandate to the archdeacon of Essex, at the end of which are the words:

'Emanarunt de dato quarto Octobr. anno prædicto duo alia similia mandata, viz. Archnō Colcestriæ et magistro Hugoni Vaughan quoad Decanatus de Branghyng, Harlowe, Dunmowe et Hemyngham olim Archnātus Myddelsex.]

329 ## Addenda, Number VI. [p. 255.]

A letter of Melancthon's to persuade the king to a further reformation. An original.

S. D. serenissime et inclyte rex.

Etsi audieramus Romanum episcopum omnibus artificiis incendere Cæsaris Caroli et Regis Gallici animos, adversus Britannos et Germanos, tamen quia spero Deum hæc pericula gubernaturum esse, et defensurum tranquillitatem tuam, scripsi in alteris literis de ecclesiarum emendatione, quam si tempora sinent rogo ut Regia Majestas tua suscipiat. Postea adjeci hanc epistolam, non impudentiâ, sed optimo studio, et amore cum ecclesiarum, cum Regiæ Majestatis Tuæ incitatus. Cotton lib. Cleop. E. v. [fol. 244.]

Quare per Christum obtestor Regiam Majestatem Tuam ut meam libertatem boni consulat. Sæpe cogito Britannicæ ecclesiæ primordia, et cæteras laudes : hinc enim propagata est doctrina Christiana in magnam Germaniæ et Galliæ partem ; imo Britannicæ ecclesiæ beneficium fuit, quod primum Romanæ provinciæ liberatæ sunt persecutione. Hæc primum nobis imperatorem pium Constantinum dedit. Magna hæc gloria est vestri nominis. Nunc quoque Regia Majestas Tua primum heroicâ magnitudine animi ostendit se veritati patrocinaturum esse, excussit Romani episcopi tyrannidem. Quare veterem puritatem ecclesiæ vestræ maxime optârim restitui integram. Sed animadverto istic esse quosdam qui veteres abusus ortos aut confirmatos a Romano episcopo adhuc mordicus tenent. Mirum est autem autore abusuum ejecto ipsa tamen venena retineri ; quâ in re illud etiam periculi est, quod illi ipsi aut eorum imitatores aliquando revocaturi potestatem Romani episcopi videntur, si populus hunc putabit esse magistrum ecclesiarum. Incurrunt enim ritus in oculos et admonent de autore, ut Solonis memoria cum legibus Athenis et propagata et jucunda fuit.

Gaudebam igitur in edicto recens istic proposito de religione, promitti publicam deliberationem et emendationem de ecclesia-

rum ritibus et legibus, eaque sententia mitigavit decreti acerbitatem. Quanquam enim laudo pietatem, quod errores prohibentur, qui pugnant cum doctrinâ catholicæ ecclesiæ quam et nos profitemur; tamen doleo ad eas causas adjectum esse articulum, in quo præcipitur omnium rituum usitatorum et cælibatus observatio. Primum enim multi transferent edicti autoritatem ad stabiliendos abusus missæ. Deinde in universum confirmatur pertinacia eorum qui doctrinæ nostræ sunt iniquiores, et debilitantur studia piorum. Augustinus queritur suâ ætate jam duriorem fuisse servitutem Christianam quam Judaicam. Quanto erit asperior servitus, si superstitiosæ ineptiæ, ut reptatio ad crucem aut res similes, munientur corporum suppliciis? Gerson scribit prodesse piis, qui tamen superstitiosius observant ritus, ut invitentur ad eos violandos, ut usu et exemplo dediscant superstitionem.

Sed munio tranquillitatem, dices, et nolo dissimilitudine rituum excitari discordias. Ego de piis et modestis loquor qui humanas traditiones sine tumultibus violant, non de his qui in cœtu publico sediciose tranquillum populum aut concitant aut perturbant. Extant autem antea leges de sediciosis, nec statim violatio incpti et non necessarii ritûs judicanda est sediciosa, atque hâc in re non solum tranquillitatis, sed etiam piarum 330
conscientiarum ratio habenda est: est enim tenera res conscientia, facile languescit perculsa potentum judiciis.

Nec ignoro quosdam novo jam uti genere sapientiæ. Excusant abusus et leniunt eos astute affictis interpretationibus, ut habeant speciosam causam cur eos retineant; sicut nefarios abusus excusat autor reformationis Coloniensis, ut campanarum consecrationem et similes imposturas. Quam multa sunt in fabulosis historiis sanctorum, ut Christophori, Georgii, quæ, ut poemata, continent venustissimas allegorias; nec tamen propter has cogendæ sunt ecclesiæ ut illas poeticas personas colant.

Erat in Ægypto sacrum cum fici maturuissent, populus enim in templo edens recentes ficos, addebat canticum his verbis, *Dulcis veritas.* Huic ritui facile est bellam significationem addere, eumque accommodare ad laudem verbi Dei, nec tamen propterea hic mos in ecclesias revocandus est; Atqui hanc novam sophisticam exoriri passim videmus. Sic in Italiâ dicuntur abusibus patrocinari, Contarenus, Sadoletus, et Polus

cardinales; nam hi præcipue susceperunt sibi jam has partes defendendæ Romanæ impietatis, et hanc ducunt esse magnam ingenii laudem fucos illinere viciosis ritibus, putantque se his ineptiis Dionysii theologiam mysticam renovare. Hæc sophistica, nisi prudentes gubernatores ecclesiarum obsistent, pariet horribilem confusionem relligionum, et rursus obruet veritatem. Donec flagitantur humani ritus tanquam necessarii, confirmatur prava opinio de cultu. Ideo Paulus tam vehementer non modo opinionem, sed ritus ipsos Leviticos insectatus est, prævidebat enim non excuti posse superstitionem, si ritus manerent. Quare gravissime inquit, *Si circumcidimini, Christus vobis nihil proderit.*

Retineatur ergo simplex et perspicua sententia de libertate in adiaphoris. Doceant concionatores quæ scandala vitanda sint; retineantur ritus divinitus instituti, et aliquæ humanæ ordinationes utiles ad bonum ordinem; ut Paulus loquitur, et sit modus cæremoniarum quæ habeant conjunctam gravitatem et elegantiam. Decet autem abesse ab ecclesiis barbariem: cæteri inutiles et inepti ritus non duriter flagitentur.

Deinde quantum periculi adfert conscientiis prohibitio conjugii. Nec ignorat Regia Majestas tua, legem de cælibatu perpetuo tantum Romæ natum esse. Extant epistolæ episcopi Tarraconensis defendentis conjugia presbyterorum in Hispaniâ contra Romanum episcopum. In Germaniâ ante annos quingentos adhuc sacerdotes fuerunt mariti, adeoque ægre tulerunt sibi eripi hanc libertatem, ut in episcopum Moguntinum recitantem edictum Romanum tumultuantes impetum fecerint. Quare episcopus fugere coactus recitationem omisit. Erat autor edicti Gregorius septimus qui cuilibet tyrannorum veterum audaciâ et impietate par fuit. Hic cum longo et funesto bello civili nostros Germanicos imperatores implicuisset, simul etiam ecclesias tyrannide oppressit. Audio et in Angliâ sacerdotes fuisse maritos: denique notæ sunt historiæ, quæ exempla satis multa continent; quare miror in edicto citari Epistolam ad Corinthios, cum hæc longe aliud tradat de conjugio, ac præcipiat conjugium iis qui non sunt idonei ad cælibatum.

Nec objicienda sunt vota quæ et expresse pugnant cum divinis mandatis, et trahunt secum multiplicem superstitionem et morum corruptionem; videmus enim qualis sit vita multorum
331 sacerdotum cælibum; itaque non sine dolore aliquo legi in

edicto quod hi qui uxores duxerunt accusantur levitatis, nam hoc convicio causa nostra prægravari videtur, quæ tamen ecclesiæ necessaria est, ut conjugii dignitas clarius conspiciatur, ut superstitiosi cultus votorum reprehendantur, ut arceantur libidines. Non enim impurus cœlibatus, sed honesta et pia conjugum consuetudo, est castitas Deo grata, sicut Christus suâ voce divinam conjunctionem appellat connubium, inquiens, *Quos Deus conjunxit*, &c. Discamus Dei ordinationem in naturâ magni facere, eâque reverenter uti, non fingamus ipsi novos cultus sine verbo Dei; de quo genere Paulus nominatim concionatur, cum ad Timotheum scribens duriter reprehendit eos qui prohibent nuptias.

Propheta Daniel insignes notas addidit Antichristo duas, cum ait, Colet deum Maosim argento et auro, et Deum patrum suorum non intelliget, et mulieres non curabit. Hæc quadrant maxime ad Romanos mores. Missarum abusus et sanctorum cultus peperierunt immensas opes et regiam potentiam. Nova numina confecta sunt, adorantur aureæ et argenteæ statuæ, et auro atque argento ornantur. Deinde accedit lex de cælibatu, unde magna corruptio morum orta est. Hæ notæ cui genti, cui regno usquam competunt nisi factioni episcopi Romani? qui cum sit Antichristus, pio et forti animo ipsius autoritati et legibus adversandum est.

Porro fæliciter cœpit regia majestas tua quædam emendare, sustulit aliqua idola quæ impie colebantur: obtestor ergo Regiam Majestatem tuam, ut reliquam impietatem Romanam etiam ex ecclesiis tollat. Exempla testantur ingentibus victoriis ornatos esse reges qui sustulerunt idolatriam, ac sæpe testatur Deus quantopere requirat hunc cultum ut removeantur supersticiones, et pro hoc officio ingentia præmia pollicetur. Quare Deus etiam defendet Regiam Majestatem tuam, si ut Ezechias et cæteri pii reges impios ritus sustuleris. Audit Regia Majestas tua in Belgico et alibi immanem sæviciam exerceri adversus pios; et hæc tyrannis gignit alia multa vicia, stabilit idolatriam, delet veram invocationem, extinguit penitus veram relligionem; cumque desint boni doctores, multi in populo fiunt palam ἄθεοι. Constat enim pene ethnicam licentiam esse in Belgico, alii superstitiosi naturâ, fanaticas opiniones Anabaptistarum amplectuntur. Talis est in Belgico status, quod quidem floret pace, ocio, opibus; affluunt luxu

ditiores, ita se beatos esse putant, nec interea prospiciunt quæ pœnæ ipsis impendeant: Deus autem haud dubie tantam impietatem et crudelitatem atrociter puniet. Nollem igitur in regno tuo renovari asperitatem adversus pios, quam ita prohibebit Regia Majestas tua si edictum leniet et ecclesias constituere perget. Deinde ut etiam ad posteritatem, animi abhorreant a tyrannide Romani episcopi, plurimum refert illas leges tolli, quæ sunt nervi autoritatis ipsius; magna vero adminicula potentiæ Romanorum episcoporum fuerunt, missarum abusus, et cælibatus, quæ si durabunt aliquando poterunt præbere occasionem iis qui depravati sunt opinionis Romanæ aulæ, ut ad eam rursus inclinationem faciant. Id caveri quantum referat, si doctrinæ puritas conservanda est, satis intelligit Regia Majestas tua. Verum adhuc est quod Juvenalis de Romanâ aulâ scripsit, *hic fiunt homines*, &c. imbuti eo loco malis artibus, contumaciam singularem adversus reges inde referunt, ut multa exempla testantur. Hanc epistolam loqua-
332 ciorem ac liberiorem ut regia majestas tua boni consulat oro. Precor autem Deum et Dominum nostrum Iesum Christum, ut regiam majestatem tuam servet et defendat, ac gubernet ad salutem ecclesiæ.

Bene et fæliciter valeat Regia Majestas tua. Ex Francofordiâ.

Cal. Aprilis 1539.

Regiæ Majestatis Tuæ
Addictissimus
Philippus Melanthon.

Directed thus on the back;

Serenissimo et inclyto Angliæ et Franciæ regi D. Henrico Octavo Walliæ et Cornubiæ principi, capiti Anglicæ ecclesiæ post Christum supremo, principi clementissimo.

Addenda, Number VII. [p. 255.]

A letter written by the German ambassadors to the king, against the taking away of the chalice, and against private masses, and the celibate of the clergy, &c. An original.

Cotton lib. Cleop. E. v. [fol. 173.]

SERENISSIME ac potentissime rex, Domine clementissime, etsi serenissimam Regiam Majestatem vestram maximorum negociorum mole, tum ad regnum ac provincias proprias Majestatis vestræ pertinentium, tum etiam exterorum regum, principum, et potentatuum gravissimis caussis, quæ ad Regiam Majestatem vestram pene quottidie devolvuntur, obrui non ignoremus; nosque pro nostrâ erga Regiam Majestatem vestram debitâ observanciâ ut par est, nihil minus velimus aut cogitemus, quam serenissimam Regiam Majestatem vestram vel mittendis literis crebrioribus, vel ullâ aliâ re interturbare et a reipublicæ curis impedire, tamen certis quibusdam de caussis, quas serenissimæ Regiæ Majestati vestræ probaturos nos speramus, duximus iterum ad serenissimam Regiam Majestatem vestram literas dandas esse, nihil dubitantes quin vestra serenissima Regia Majestas eas pro suâ insigni bonitate, sapienciâ, doctrinâ, atque favore syncerioris religionis, benigne acceptura sit. Cum enim ab illustrissimis principibus nostris nobis injuncta mandata vestræ serenissimæ Majestati jampridem exposuerimus, et præterea postulante Majestate vestrâ cum quibusdam ejusdem reverendissimis et eruditissimis episcopis et theologiæ doctoribus, de articulis religionis Christianæ per duos pene menses sermones contulerimus, ac Dei beneficio res eo perducta fuerit, ut nihil ambigamus, quin inter serenissimam Regiam Majestatem vestram et principes nostros, ac eorum in causâ religionis confœderatos utrorumque episcopos, theologos, et subditos firma atque perpetua concordia in synceriore 333
[fol. 174.] evangelii doctrinâ, in laudem Dei Optimi Maximi, salutem ecclesiæ Christianæ, ac perniciem Romani Antichristi, secutura sit, nosque reliquam disputationem de abusibus non expectare queamus, existimavimus non esse alienum ab officio nostro, ut ante discessum nostrum serenissimæ regiæ majestati vestræ,

quæ per Dei graciam indefessa cura et diligenciâ synceram evangelii doctrinam promotam cupit, debitam observanciam, atque perpetuum studium nostrum literis nostris testatum relinqueremus, et majestati vestræ nostrorum etiam sententiam de quibusdam articulis abusuum, de quibus majestas vestra post abitum nostrum haud dubie curabit eosdem episcopos et theologos pro inquirendâ veritate, sermones conferre et disputare, declararemus: nihil ambigentes, quin eâ etiam in re serenissima Regia Majestas vestra pro Christi gloriâ id præstitura sit, ut non tantum doctrinam puram habeat, verum etiam abolitis aliquando impiis cultibus et abusibus per Romanum episcopum in ecclesiam introductis, cultus ac cæremonias consentaneas verbo Dei constituat. Facile enim serenissima Regia Majestas vestra pro suâ summâ sapienciâ perspicit, non posse unquam doctrinæ puritatem, vel constitui, vel conservari, nisi tollantur e medio etiam hi abusus, qui prorsus et ex diametro, ut dici solet, cum verbo Dei pugnant, et Romani Antichristi tyrannidem ac idolatriam, tum pepererunt, tum etiam hactenus conservârunt. Nam ut radicibus demum resectis, necesse est arbores et herbas penitus exarescere et perire, ita dubium non est, quin impiis Romani episcopi abusibus et idolatriâ, ut fundamento stabilitatis ipsius labefactis et eversis, etiam tyrannis ejusdem prorsus ruitura et interitura sit; quod nisi fiat perpetuo metuendum [fol. 175.] est, ne levi aliquâ occasione iterum repullulescat et tanquam a radice reviviscat.

Sunt vero hæc tria pæne capita et fundamentum tyrannidis et idolatriæ pontificiæ, quibus stantibus, neque doctrina religionis integra permanere, neque unquam Romani episcopi improbissimus dominatus, penitus extirpatri poterit: nempe, prohibitio utriusque speciei sacramenti in cœnâ Domini, missa privata, et interditio conjugii sacerdotum, quæ quidem usque adeo Dei verbo adversantur, adeoque etiam honestati publicæ repugnant, ut vel ex his solis apertissime intelligi possit Romanum pontificem verum Antichristum, et omnis idolatriæ, impietatis, erroris, et turpitudinis, in Christi ecclesiam introductæ auctorem esse; de quibus sane articulis nos pauca quædam serenissimæ Regiæ Majestati vestræ optimo studio scribemus, et ejusdem ut regis summâ sapienciâ, acerrimo judicio, et excellenti doctrinâ præditi, censuræ committemus, persuasissimum nobis habentes vestram Majestatem Illustrissimam principum

nostrorum, et statuum confœderatorum consilium et institutum, in hisce articulis non improbaturam esse.

De utrâque specie.

Primum enim, serenissime ac potentissime rex, non existimamus quenquam inficias iturum, quin Christi doctrina, mandata, et ordinationes omnibus aliis præceptis, traditionibus aut cæremoniis humanis præferri debeant. Hic enim cum ipse sit vita et veritas, errare non potest, humana vero omnia, præcipue in rebus divinis, incerta et dubia sunt. Porro constat Christum [fol. 176.] ipsum utramque speciem instituisse, cum ait, *Bibite ex hoc omnes;* et Paulum idem docuisse, cum inquit, 2 Corinth. xi. *Probet seipsum homo, et sic de pane comedat et poculo bibat.* Quibus sane locis, non de unâ parte ecclesiæ, id est, de sacerdotibus tantum, sed de totâ ecclesiâ mentio fit: nam quod 334 quidam ita argumentantur solis apostolis Christum id dixisse, eâque de causâ utramque speciem ad solos sacerdotes pertinere, infirmum admodum est argumentum; quia eâdem ratione sequeretur, quod laicis ne altera quidem species danda esset; neque enim alio loco Christus mandavit solum corpus laicis dari, et utramque speciem pro sacerdotibus instituit: sed hoc fatendum est, quod illud mandatum Christi de sacramento, aut ad omnes, hoc est, laicos et sacerdotes pertineat, aut laici prorsus a sacramento etiam corporis Domini arcendi fuerint, cum nusquam alibi in evangelio, nisi tunc cum dedit Apostolis simul corpus et sanguinem, sacramentum pro laicis institutum reperiatur; idque ad omnes pertinere Paulus declarat, cum addit, *et de poculo bibat,* &c. Quod enim dicunt sacramenti divisionem, urgentibus quibusdam caussis ab ecclesiâ institutam esse, et sub unâ specie, non minus quam sub utrâque contineri, non multum ad rem facit. Quis enim non intelligit hic de Christi instituto et mandato agi, idque humanæ auctoritati et opinionibus longe præferendum esse; neque enim ecclesia sumit sibi hanc libertatem ex Christi ordinationibus res indifferentes constituendi; et rationes illæ vel de discrimine ordinum, seu dignitate sacerdotali, vel periculo effusionis et similes, nullo modo tantum queunt [fol. 177.] vim habere, ut propterea divinæ ordinationes mutandæ sint; neque ulla etiam consuetudo contra mandata Dei introducta, ipsis canonibus pontificiis attestantibus, probanda est. Constat vero usum utriusque speciei, et clarum habere mandatum Christi, et adprobationem sanctorum patrum, ac consuetudinem veteris ecclesiæ; sic enim, inquit divus Hieronymus, sacerdotes

qui eucharistiæ serviunt, et sanguinem Christi populis distribuunt; et Gelasius pontifex, sacramenti corporis et sanguinis Domini divisionem prohibet, eamque grande sacrilegium adpellat.

Ad hæc, durat hodie hic mos communionis utriusque speciei in Græcis ecclesiis, quæ hâc in re Romani pontificis tyrannidi semper restiterunt, neque ejus jugum recipere voluerunt, et testantur historiæ tum in Germaniâ, tum in multis aliis regionibus ac provinciis, verum communionis usum diu conservatum fuisse, sed tandem fulminibus Romani Antichristi, quibus totum pene orbem terrarum conterruit et subjugavit, homines, ut verisimile est victi, verum eucharistiæ usum mutârunt, ad quem tamen, per singularem Dei graciam, agnitâ iterum veritate evangelicâ cum principes nostri, tum alii evangelii doctrinam profitentes, jam redierunt, et sese ac suos in re universæ ecclesiæ maxime salutiferâ, tanquam in libertatem, excusso jugo pontificio, vendicârunt et adseruerunt. Nam quæ caussæ pontificem permoverint, ut contra Christi mandatum et institutum, contra sententiam sanctorum patrum, contra consuetudinem universæ ecclesiæ Christianæ, sacramentum divideret, et [fol. 178.] laicos sanguine Domini nepharie spoliaret, facile serenissima Regia Majestas vestra perspicit. Verisimile quidem videtur, eum voluisse suam, suique ordinis auctoritatem ac dignitatem, câ ratione augere, et hoc discrimen inter laicos et sacerdotes constituere; nam etiam nunc clamitant adversarii, laicos debere esse alterâ specie contentos; quasi regnum aliquod possideant, et ita imperare ipsis liberum sit, ut etiam Christi beneficium hominibus eripere queant, ad quod pocius si suo officio fungi vellent, omnes invitare et pellicere deberent. Sed quid Christo cum Belial? quid pontifici cum Christi instituto, cujus ipse
335 se summum adversarium esse satis declarat, ideoque tum in hoc, tum aliis salutaribus religionis Christianæ articulis oportuit ipsum a scripturâ discedere, imo doctrinam evangelio consentaneam damnare, ut manifestum fieret, eum esse antichristum, de quo passim scriptura talia prædixit.

Porro in altero articulo, DE MISSA PRIVATA, adhuc magis adparet a Romano pontifice religionem Christianam adeo oppressam et obscuratam, ut Christi beneficium, qui suâ morte nos redemit, solusque est hostia et satisfactio pro peccatis nostris, pœnitus sustulerit, et in ejus locum idolatricum cultum pro De missâ privatâ.

abolendis peccatis in ecclesiam invexerit eamque suis erroribus et prophanationibus miserabiliter implicaverit, turbaverit et deformaverit. Cum enim missa nihil aliud sit, nec esse debeat, quam communio sive synaxis, ut Paulus adpellat, neque etiam
[fol. 179.] alius ejus usus fuerit tempore apostolorum et veteris ecclesiæ, quemadmodum hoc clare ex S. patribus probari potest, plane diversum quoddam opus, prorsus pugnans cum communione et vero missæ usu inde factum est, quod docent ex opere operato, ut loquuntur, mereri graciam, et tollere peccata vivorum et mortuorum.

Hæc opinio quantopere distet a scripturis, ac gloriam passionis Christi lædat, serenissima Regia Majestas vestra facillime judicabit. Si enim hoc verum est, quod missa pro aliis applicari potest, quod peccata tollit et prodest tam vivis quam mortuis, sequitur justificationem ex opere missarum contingere, non ex fide ; verum hoc omnino scripturæ repugnat, quæ tradit nos gratis propter Christum per fidem justificari, ac peccata nobis condonari, et in graciam nos recipi, atque ita non alieno opere, sed propriâ fide propter Christum, singulos justos fieri : at illi docent alienum opus pro remittendis peccatis alteri adplicari, quod quidem merum est somnium et figmentum humanum, repugnans evangelicæ doctrinæ ; nam tunc demum adplicatur gracia per verbum et sacramentorum usum, cum ipsi utimur sacramentis, sed isti pro aliis utuntur, quod perinde est ac si pro aliis baptizarentur. Neque vero potest dici quantopere deformet Christi gloriam opinio illa de missâ, quæ ex opere operato conferat graciam, aut applicata pro aliis mereatur eis remissionem venialium et mortalium peccatorum culpæ et pœnæ ; idque aperte adversari scripturæ, et a vero usu missæ sive
[fol. 180.] communionis longe discedere, vel inde liquet, quia missa sive synaxis ideo est instituta, ut fides in iis qui utuntur sacramento recordetur quæ beneficia accipiat per Christum et erigat ac soletur pavidam conscienciam ; ideoque ibi porrigi debet sacramentum, his quibus opus est consolatione, sicut Ambrosius ait, *quia semper pecco, semper debeo accipere medicinam.* Atque hic usque ad tempora Gregorii in ecclesiâ missæ usus fuit, neque antea privatæ missæ cognitæ fuerunt ; quod quidem cum aliis multis patrum sentenciis patet, tum Chrysostomi, qui inquit, sacerdotem stare ad altare et alios ad communionem accersere, alios arcere : et ex veteribus canonibus constat, unum

aliquem celebrâsse missam, a quo reliqui presbyteri et diaconi sumpserunt corpus Domini, sic enim inquit canon Nicenus, *Accipiant diaconi secundum ordinem post presbyteros ab episcopo vel presbytero, sacram communionem.* Et scribit Epiphanius, in Asiâ synaxim ter celebratam singulis septimanis, nec quotidianas fuisse missas, eumque morem ab apostolis traditum esse; qui quidem missæ usus etiam hodie in Græcis parochiis durare dicitur, nam tantum singulis Dominicis diebus
336 et festis, fit ibi una publica missa; privatas vero non habent: fuitque Græce ecclesia hoc nomine longe fœlicior quam Latina, quæ meliorem usum cœnæ Domini, synaxis, sive missæ retinuerit, neque vel sacramentum corporis et sanguinis Domini, contra claram evangelii doctrinam diviserit, ut paulo ante diximus, neque etiam privatas missas sacræ scripturæ acerrime repugnantes, receperit; cujus quidem rei hanc potissimum caussam fuisse arbitramur, quod Græca ecclesia Romanum episcopum [fol. 181.] auctorem perversæ et idolatricæ doctrinæ, et omnium pene abusuum qui in ecclesiam introducti sunt, pro summo ecclesiæ universalis sive catholicæ capite, nunquam agnoverit.

Sed concedunt quidam adplicationes quæ fiunt in missâ pro vivis et mortuis, et item opiniones, quod ex opere operato graciam mereri traduntur, non esse probandas, et disputant abolitis illis opinionibus impiis, aliâ ratione missas privatas retinendas, nempe quia sunt graciarum actiones, quæ possint ab uno vel a pluribus fieri. Hæc sane ratio videtur aliquam habere speciem, estque *σοφὸν φαρμακὸν*, ut inquit Sophocles, quo in caussis invalidis, et ut ipse ait, morbidis, utendum sit. Si missa tantum esset graciarum actio, possit fortassis tali aliquo prætextu colorari; verum constat eam principaliter institutam esse, ut sit sacramentum quod per ministrum alteri exhibeatur, ut accipiens et credens consequatur graciam. Et hoc quidem principali fine posito, accedit alter de graciarum actione; quare nullo modo ab institucione Christi recedere, sed modum et formam illius institucionis, et exemplum veteris ecclesiæ sequi et retinere debemus: nulla enim novitas, præsertim in sacramentis, recipienda est, contra formam a Christo traditam, et contra exempla veteris ecclesiæ.

Porro constat privatas missas esse recentes, et a Romanis pontificibus introductas, et ne hodie quidem, ut paulo ante dictum est, in Græcis ecclesiis esse, nisi parochiales diebus

[fol. 182.] festis, cum quibus adhuc manet vestigium communionis. Cum igitur contra Dei verbum missa privata introducta sit, eamque humanum tantum et commenticium cultum esse adpareat, quis dubitet quin talis missa, sine ullo periculo omitti possit, imo debeat, cum repugnet evangelio? estque pium et sanctum opus verum missæ sive synaxis usum ecclesiæ restituere ac reddere, quo per Romanum pontificem, hoc est Antichristum, multis jam annis miserabiliter privata fuit, qui quidem adhuc mordicus privatas missas tenet, adserit, et defendit. Neque id immerito, facile enim sentit quod labefactatâ missâ privatâ, labefactetur, imo ruat universum ejus regnum et tyrannis, quæ missis illis nititur; ut enim in seminibus caussa est arborum et stirpium; ita hujus luctuosissimi dominatûs, imperii, tyrannidis, nondinationis et idolatriæ pontificiæ semen fuit supersticio missarum privatarum: nam hæ peperierunt et sustinuerunt, veluti Atlas quidam, totum papatum; ad harum normam omnia redacta sunt, siquidem nihil fuit, quod non missâ aliquâ expiari posse creditum est. His aucupatus pontifex Romanus indulgencias, quibus immensam pecuniam ex toto orbe terrarum prædatus est; hæ monachorum turbas infinitas coacervârunt, cum eorum nullus alius esset usus, quam demurmurandi missas privatas, et alioquin inutile terræ pondus forent. Hæ sunt et fuerunt universa pietas, quam pontifex Romanus profitetur. Hanc solam novit ille religionem, quæ in missis privatis consistit;
[fol. 183.] doctrinam enim Evangelii non modo non habet, verum acerrime odit et prosequitur, et in summâ his missis ipsam prædicationem 337
verbi divini pontifex exterminavit, ut per omnia Antichristi munere fungeretur. Nam in locum unius concionis verbi, amplius mille missæ privatæ, hoc est, humani et commenticii cultus, contra divinum verbum successerunt; cum non missas fieri sed evangelium prædicare, et sacramenta rite distribuere et administrare, Christus apostolis, quorum illi volunt esse successores, mandaverit.

Curârunt igitur illustrissimi principes nostri, et alii Evangelii doctrinam profitentes, principes et status, privatas missas penitus aboleri, et verum missæ usum sive synaxim Christi institucioni, exemplo apostolorum, veteris ecclesiæ ac patrum sententiis conformem, in ecclesiam revocârunt et restituerunt. Quæ quidem missa sive synaxis summâ cum reverenciâ celebratur, servatis pene omnibus usitatis cæremoniis, quæ non repug-

nant pietati; et admiscentur Germanicæ sive vernaculæ cantiones ad docendum populum; præcepit enim Paulus, in ecclesiâ uti linguâ intellectâ a populo. Porro, quia propter communionem sive usum sacramenti missa instituta est, hi qui sunt idonei et antea explorati, sacramento utuntur; ac dignitas et usus sacramenti, summâ diligenciâ ac curâ ex verbo Dei populo commendatur, ut sciant et intelligant homines, quantam consolationem pavidis consciencijs adferat, ac discant Deo credere, et [fol. 184.] optima quæque ab eo expectare et petere.

Et hunc quidem sacramenti ac missæ usum, scripturæ consentaneum, Deo gratum, et pietati conducibilem esse, serenissima Regia Majestas vestra facile agnoscit. Neque enim hic aliquid contra Dei verbum admittitur, imo secundum Christi mandatum et ordinationem, qui hanc sacram communionem ad hunc finem instituit, omnia geruntur: nulla est hic admixta, prava, aut impia opinio, ut in missâ privatâ papisticâ, cujus finis et institucio cum evangelio pugnat. Nihil hic etiam absque summâ reverenciâ, ordine, et decoro, digno ecclesiæ, fieri cernitur. Audemusque adfirmare, majore religione hunc verum missæ usum exhiberi apud nos, quam hactenus unquam sub papatu privatæ missæ celebratæ fuerint, provocamusque ad testimonia virorum doctissimorum, qui a majestate vestrâ missi in illis locis fuerunt, et hæc omnia coram fieri viderunt et audierunt.

Quod enim adversarii clamitant, nostros omnes cultus divinos, omnes cæremonias, omnem denique religionem abolere et labefactare, eâ in re principibus nostris, et aliis evangelii doctrinam profitentibus, injuriam faciunt; et hæc eos insigni quâdam malevolenciâ et odio plusquam Vatiniano, ut dici solet, confingere et comminisci clare adparet, cum ex doctrinâ nostrorum, quam consentientem sacris literis in lucem ediderunt, et scriptis suis universo orbi Christiano promulgârunt, tum etiam exemplis nostrarum ecclesiarum, in quibus nolint velint coguntur [fol. 185.] fateri, omnia religiosius et sanctius fieri, quam apud ipsos; immo Dei beneficio universus populus non tantum in templis est religiosior, sed in totâ disciplinâ publicâ modestius se gerit, majoremque erga magistratum civilem, et eos qui ecclesiis præsunt reverenciam et honorem exhibet quam unquam antea factum fuerit; et hoc synceræ evangelii doctrinæ acceptum referre debemus, quæ singulos, rectius omnibus pontificiis con-

stitucionibus, sui officii admonet, et sola quâ in re vera pietas ac cultus divinus consistat, tradit ac docet.

Porro, quod missæ collocatæ ad quæstum, ut sub papatu accidit, turpiter prophanentur, quodque hic abusus in omnibus 338
pene templis latissime pateat, non est obscurum: nam Christi beneficium qui nos precioso suo sanguine redemit, idque gratuito pro vili stipe et mercede vendere, et tale etiam opus inde constituere velle, quod ex sui naturâ, hoc est ex opere operato, mereatur graciam, et possit adplicari pro peccatis aliorum, mortuorum et vivorum, quis non videt summam esse impietatem? Quid enim est corpus Domini indigne tractare et sumere, si hoc non est? An potest etiam magis impium quidquam dici, quam illi de missis istis docuerunt? Nempe quod Christus suâ passione satisfecerit pro peccatis originis, et instituerit missam, in quâ fieret oblatio pro quottidianis delictis mortalibus et venialibus; cum Christus pœnitenciam et remissionem peccatorum prædicari mandaverit: missam vero, hoc
[fol. 186.] est synaxim, ad alium plane finem instituerit, videlicet ut porrigatur sacramentum his quibus opus est consolatione, et ut per verbum et sacramentum credentes graciam recipiant, et remissionem peccatorum consequantur, non ut ipsi suum opus, quod quale quale sit, humanum figmentum, humanus cultus est, contra scripturam Deo offerant ac sacrificent. Hoc enim non placat Deum, ut Christus ipse inquit, se frusta coli mandatis hominum: nam missam non esse tale opus sive sacrificium, quod mereatur graciam et prosit etiam aliis, inde adparet, quia missa sive synaxis ad hoc est instituta, non ut Deo aliquid offeratur, sed ut communicantes consolationem hauriant, et veluti pignus seu certum signum graciæ ac bonæ voluntatis Dei erga se, recipiant, atque ita recordentur mortis Christi, hoc est, beneficiorum quæ per Christum accipiunt, qui quidem pro nobis mortuus est, solusque pro peccatis nostris satisfecit; idque probant verba ipsa quibus et Christus et Paulus de missâ sive synaxi usi sunt.

Primum enim inquit Christus, *Hoc est corpus meum, quod pro vobis traditur*. Hæc sunt verba promissionis divinæ quæ solam fidem exigunt, quibusque offertur nobis gracia et remissio peccatorum. Ergo non est sacrificium, hoc est, opus quod Deo offeratur et quidem pro abolendis peccatis. Item Paulus ait.

Annunciantes mortem Domini. Annunciare autem non est sacrificare, hoc est tale opus Deo reddere, quo peccata deleantur. Præterea evangelii textus ita sonat, *Fregit et dedit* [fol. 187.] *discipulis, inquiens, accipite et comedite,* &c. item *bibite ex hoc omnes,* &c. Accipere autem, comedere et bibere, non est sacrificare, quia hæc opera ex opere operato non delent peccata.

Neque mandatur hisce verbis, ut nos Deo aliquid offeramus, sed potius ut ab eo accipiamus, quia addit, *pro vobis traditum,* et *sanguis qui pro vobis effunditur ;* quæ verba ostendunt, non exhiberi a sumentibus eucharistiam Deo sacrificium, sed donum hominibus datum. Præterea vero nemo dicit laicos cum sumunt sacramentum, sacrificare : at quantum ad hanc sacram communionem, missam, sive synaxim pertinet, nulla est racio diversitatis, cum idem Christus uno eodemque tempore ac momento, propter eundem finem et usum, hoc sacramentum absque differenciâ utencium sacerdotum vel laicorum instituerit. Et quemadmodum prohibicio utriusque speciei, humanum tantum commentum et mandatum est ; ita quod de sacrificio missæ ex opere operato graciam promerente traditur, humana tantum opinio est, contra verbum Dei, a quo in rebus maximis, nempe ad remissionem peccatorum, salutem animarum, et vitam æter-
339 nam pertinentibus, nullo modo est discedendum. Non enim frustra Paulus inquit et bis repetit, *Si nos aut angelus de cœlo evangelizet vobis præter id quod evangelizavimus et accepistis, anathema sit.*

Præterea nec potest ratio diversitatis adsignari ex sacris literis, cur magis dicant eos qui sacramento eucharistiæ fruuntur, sacrificare, quam illos qui alio sacramento, ut baptismo, [fol. 188.] utuntur, cum utrumque nihil aliud sit, quam sacramentum ; quæ Christus horum institutor et auctor prorsus ad alium finem, quam ut sint talia sacrificia, qualia illi comminiscuntur, ordinavit. Sed oportuit, Romanum pontificem missas privatas, ad opprimendam Christi, cum ipse hostis est, gloriam, sic attollere, ut populum Christianum a veritate evangelicâ et agnitione Christi, et sacramentorum legittimo usu, prorsus abduceret, Christique bonitatem et misericordiam obliteraret. Qui enim missam tale sacrificium esse cogitant, quo Deus placetur, hi non queunt Christi beneficium expendere pro dignitate, et in terroribus ac doloribus iræ et judicii Dei non habebunt refugium, neque bonâ consciencià poterunt dona et signa amoris divini

agnoscere, si alieno opere Deum placari et peccata remitti sibi persuasum habeant. Nam illi ipsi qui nituntur impias opiniones de missâ privatâ excusare, hoc prætextu, quasi missa ideo vocetur sacrificium, quia sit graciarum actio et sacrificium laudis, hi convincuntur propriis ipsorum testimoniis et scriptis quæ de missis extant, hæque persuasiones hominum animis etiam hodie de missis privatis inhærent: sic enim Thomas inquit in opusculo de Sacramento Altaris, cur missa instituta sit, *corpus Domini semel oblatum est in cruce, pro debito originali, sic offeratur jugiter pro cottidianis delictis in altari,* [fol. 189.] *et habeat in hoc ecclesia munus ad placandum sibi Deum super omnia legis sacrificia preciosum et acceptum.*

Alexander papa, *nihil in sacrificiis ecclesiæ majus esse potest, quam corpus et sanguis Christi, nec ulla oblatio hâc pocior est, sed omnes præcellit:* item ipsa veritas nos instruit, calicem ac panem in sacramento offerre, quando ait, *accipite et comedite.* Crimina atque peccata, oblatis his Domino sacrificiis, delentur. Et rursus, inquit, *talibus hostiis delectabitur et placabitur Deus, et peccata dimittet ingencia.* Gabriel de canone missæ, *sacramentum eucharistiæ veluti sacrificium summo Patri oblatum, nedum veniale sed etiam mortale, non dico sumentium sed omnium eorum pro quibus offertur, et quantum ad reatum culpæ et pœnæ, plus vel minus secundum dispositionem eorum pro quibus offertur, tollit:* unde Thomas in quarto Dist. 1. 2. q. 2. *Eucharistia in quantum est sacrificium, habet effectum etiam in aliis pro quibus offertur, in quibus non præ-exigit vitam spiritualem in actu, sed in potenciâ, et ideo si eos dispositos inveniat, eis graciam obtinet, virtute illius veri sacrificii a quo omnis gracia in nos fluxit, et per consequens peccata mortalia in eis delet, non sicut causa proxima, sed in quantum graciam contritionis eis impetrat.*

His et similibus omnes libri scholasticorum pleni sunt, quibus uno ore docent, missam tale esse sacrificium, quo graciam homines mereantur ex opere operato, quod ad delenda aliorum peccata adplicari possit. Quæ doctrina aut pocius perversum et impium figmentum, an pugnet cum sacris literis necne? an [fol. 190.] verum missæ seu communionis usum tradat necne? an Christi beneficium non magis obscuret quam illustret, imo etiam prorsus tollat? vestræ serenissimæ Regiæ Majestati dijudicandum relinquimus quæ pro suâ sapienciâ, et non tantum in rebus politicis,

sed etiam sacris et in omni genere doctrinarum acerrimo judicio, facile censebit, justissimam causam habuisse principes nostros et alios evangelii doctrinam profitentes, missas privatas abrogandi, et verum missæ sive communionis usum, pro Christi gloriâ et consolatione tocius ecclesiæ Christianæ, restituendi ac revo-
340 candi, postquam ex Dei verbo cognoverunt, quantum privatæ missæ a veritate evangelicâ distent, quantumque in iis insit impietatis et idolatriæ. Fuit enim unicum sacrificium propiciatorium in mundo, videlicet mors Christi, qui, ut Paulus inquit, *semel est pro nobis oblatus, et factus hostia pro peccatis nostris*, quod cætera legis sacrificia propiciatoria significârunt, quæ similitudine quâdam, erant satisfactiones redimentes justiciam legis, ne ex politiâ excluderentur illi qui peccaverant, eaque cessaverunt post revelatum evangelium. In Novo enim Testamento, necesse est cultum tantum esse spiritualem, hoc est, justiciam fidei et fructus fidei, quia adfert justiciam et vitam spiritualem et æternam, juxta illud, *dabo legem meam in cordibus eorum :* et Christus ait, *veri adoratores adorabunt Patrem in spiritu et veritate*, i. e. vero cordis adfectu. Quâ de causâ abrogati sunt Levitici cultus, quod debeant succedere cultus spirituales mentis, et horum fructus ac signa; ut in Epistolâ [fol. 191.] ad Hebræos manifeste docetur.

Ex quibus omnibus sequitur missam non esse sacrificium, quod ex opere operato mereatur, facienti vel aliis remissionem peccatorum, ut illi docuerunt. Et quocunque quidam fuco nitantur excusare missas privatas, semper eis refragatur et reclamat doctrina ipsorum de missâ, quâ eam aliis posse adplicari tradiderunt, et peccata delere hominibus persuaserunt. Hæc opinio nisi restituto vero missæ usu, nunquam ex animis hominum delebitur, sed perpetuo manet et redit is error, quod oporteat talem esse cultum in ecclesiâ, quo Deus placetur.

Et ut videatur fictione juris, ut jure consulti loquuntur, missam posse vocari sacrificium memoriale sive laudis : at cum id non sit satisfactorium pro facientibus, vel adplicabile pro aliis, quo quis mereatur remissionem peccatorum, quorsum adtinebit, relicto vero ejus usu et institucione, id in ecclesiam introducere, ubi propter nullam humanam rationem, commentum, aut opinionem, a Christi mandato et ordinatione, est discedendum? Eâdem enim ratione ; Natalis Domini aut similia festa, quæ in

Christi memoriam celebrantur, sacrificia memorialia sive eucharistica dici possent; imo talia sacrificia verius sunt, evangelii prædicatio, fides, invocatio, gratiarum actio, adflictiones, et omnia alia bona opera sanctorum, quæ tamen nullo modo dici possunt aut debent satisfactiones, aut adplicationes pro aliis; et
[fol. 192.] missæ principalis finis, ut supra disseruimus, is est, ut sit sacramentum, quod per ministrum alteri exhibeatur. Quare non potest dici sacrificium; cum nemo ignoret magnum inter sacrificia et sacramenta discrimen esse. His enim nos dona a Deo oblata accipimus, illis vero opus nostrum Deo reddimus et offerimus.

Neque vero habent privatæ missæ alios auctores quam pontifices, qui a tempore Gregorii, nunc hanc, nunc illam cæremoniam, cantionem, aut orationem, singuli pro suâ sanctitate et opinione adjecerunt, ut historiæ uno consensu testantur, donec tandem, egregium illud opus, dignum istis auctoribus exædificârunt, et relicto vero missæ sive communionis usu, ac obliteratâ doctrinâ de Christo, universa ecclesia missis privatis in quâ solâ omnem pene sanctitatem posuerunt, repleta et obruta fuit.

Hæc serenissime ac potentissime rex nostrorum principum et aliorum imperii ordinum, evangelicam doctrinam profitencium, theologi et doctores, justis voluminibus explicarunt, quæ quidem hâc epistolâ nos breviter adtingenda duximus; non quod serenissimam Regiam Majestatem vestram hæc latere penitus putemus, neque enim ignoramus serenissimæ Regiæ Majestati vestræ et veterum et recencium scripta, de his et aliis controversiis ecclesiasticis diligentissime cognita esse, de quibus etiam Majestas vestra sapientissime, et eruditissime sæpe cum doctis viris conferre et disputare solet: sed hoc ideo fecimus ut Majestati vestræ, quam posset fieri brevissime, occasionem et
[fol. 193.] caussas quasdam abolitarum privatarum missarum apud nos, summâ cum observanciâ ut decet exponeremus: et adversariorum calumnias, quibus cum apud Regiam Majestatem vestram, 341
tum alias, undecunque quæsitâ et arreptâ occasione, variis technis et figmentis, doctrinam synceriorem gravare et in odium omnium perducere conantur, declinaremus.

Neque vero ambigimus, quin Majestas vestra, ut Rex eruditissimus et veritatis evangelicæ amantissimus, facillime judicabit, quod non temere privatæ missæ apud nos abrogatæ sint, sed

justissimis et firmissimis rationibus, ex Dei verbo quod solum errare non potest, syncere et absque sophisticâ deductis, pro conservandâ et illustrandâ Christi gloriâ, et hominum salute id factum esse: et opponantur qualescunque excogitari possint cavillationes et sophismata, tamen adparebit nostros hoc agere quod sit tucius, dum retinent modum et formam institucionis Christi. Ac maxima pars sacerdotum suâ sponte apud nos desiit missas privatas celebrare, posteaquam intellexerunt ex evangelicâ doctrinâ, quantum in iis erroris et impietatis esset; et plurimi ac doctissimi quique, qui sacerdocia aut parochias sub magistratibus alienis a syncerâ evangelii doctrinâ tenebant, eas deseruerunt, ne cogerentur facere contra suas consciencias, seque ad ea loca in quibus evangelii doctrina libere prædicatur contulerunt. Gravissimum enim est quenquam in re præsertim [fol. 194.] tali quæ Dei gloriam lædit ac divino verbo repugnat, tanquam ad cultum divinum adigi et compelli.

Sed ne serenissimæ Regiæ Majestati vestræ prolixitate literarum simus molesti, desinemus plura de hoc articulo inpræsenciarum disserere.

Restat tercius locus instituti argumenti, videlicet de conjugio sacerdotum, quod itidem Romanus episcopus contra scripturam, contra leges naturæ, et contra omnem honestatem prohibuit, ac multorum peccatorum, scelerum et turpitudinis occasionem præbuit: sed fortassis ne possit dubitari eum esse Christi adversarium, de quo cum illam ipsam prohibitionem, tum alia quædam quæ in illum solum adperte quadrant, scriptura clare prædixit, oportuit eum talem legem cælibatûs sacerdotalis sancire, ut sicut leo ex unguibus, ita papa, hoc est, Antichristus, ab hâc prohibitione sanctissimi et in omnibus honorabilis conjugii, agnosceretur. Sic enim Paulus inquit, *Spiritus autem manifeste dicit, quod in novissimis temporibus discedent quidam a fide, attendentes spiritibus erroris, et doctrinis dæmoniorum, in hypocrisi loquencium mendacium, cauteriatam habencium conscienciam suam, prohibencium nubere.* Hæc si non in Romanum episcopum congruunt, in quem alium convenient? Nemo enim alius quam ipse conjugium sacerdotibus injustissime eripuit, et [fol. 195] cælibatum impurissimum sub specie sanctitatis, et, ut Paulus ait, in hypocrisi et per mendacium introduxit. De conjugio sacerdotum.

Scriptura quidem non minus sacerdotibus, quam alterius sortis hominibus matrimonium liberum permittit; sunt enim de

eâdem carne, quæ totum genus humanum vestit et continet, nati: non possunt igitur naturam suam mutare, non possunt carnem abjicere, nec absque singulari Dei dono cælibes vivere, nam *non quilibet*, ut Christus inquit, *capit verbum hoc;* et Paulus, *propter fornicationem unusquisque suam uxorem habeat;* et peculiariter de sacerdotibus ait, *constituas per civitates presbyteros sicut disposui tibi, si quis sine crimine est, unius uxoris vir, filios habens fideles, non in accusatione luxuriæ;* item, *oportet episcopum esse irreprehensibilem, unius uxoris virum:* patet igitur hanc prohibitionem non ex jure divino, 342
sed pocius contra sacram scripturam decretam esse.

At solet a quibusdam pontificiis defensoribus opponi, quod licet conjugium sacerdotum non videatur vetitum divinis literis, tamen sacerdotes a veteribus temporibus in hunc usque diem in cælibatu vixisse, eâque de caussâ addunt non esse discedendum hâc in re a tali exemplo, neque permittendum conjugium sacerdotibus. His, serenissime ac potentissime Rex, adperte refragantur historiæ, tum ecclesiasticæ tum aliæ, ex quibus clare
[fol. 196.] patet, episcopos et sacerdotes veteribus temporibus conjugatos fuisse.

Primum enim Spiridion Cyprius episcopus, vir unus ex ordine prophetarum, ut historia ecclesiastica ait, uxorem habuit ex quâ filiam nomine Irenen suscepit; deinde ordine pene omnes episcopi uxorati fuerunt, quorum filii plurimi postea, tum Romani, tum alii episcopi creati sunt: fuit enim Sylverius papa Hormisdæ episcopi filius, papa Theodorus Theodori episcopi Hierosolymitani, papa Adrianus secundus Talari episcopi, Joannes decimus papa, Sergii papæ, Gelasius Valerii episcopi, papa Joannes decimus quintus Leonis presbyteri filius. Et ne omnes enumeremus, patet vel unica historia Polycratis, ex cujus parentibus septem per ordinem fuerunt episcopi, ipse vero fuit octavus: at non est credibile omnes illos ex illegittimis nupciis prognatos esse, cum ipsi canones et decreta synodorum doceant, conjugia sacerdotum esse licita; sic enim inquit canon apostolorum, *si quis docuerit sacerdotem sub obtentu religionis propriam uxorem contemnere, anathema sit.*

Item extat præclarum exemplum de Paphnucio confessore, qui universæ synodo Nicenæ prohibitionem conjugii dissuasit, et obtinuit ne hâc ex parte aliquid sancitum, sed hoc in uniuscujusque voluntate non necessitate permissum fuerit. Quæ hi-

storia etiam in jure pontificio recensetur, extatque decretum quoddam sextæ synodi, in quo palam damnatur prohibitio con- [fol. 197.]
jugii sacerdotalis.

Sed objicitur iterum, propter votum castitatis, quod sacerdotes præstiterunt, non posse eis permitti nupcias. Hoc quale votum sit, quamque obligatorium, quod sine peccato servari non potest, serenissima Regia Majestas vestra pro suâ summâ sapiencîâ et doctrinâ, facile æstimabit. Neque enim donum castitatis omnibus datum est, idque cælibatus ipse sacerdotum, et quotidiana experiencia etiam nunc testatur; et quid de tali voto senciendum sit, sanctorum patrum sentenciæ declarant, sic enim Augustinus ait, *quidam nubentes post votum adserunt adulteros esse, ego autem dico vobis quod graviter peccant qui tales dividunt.* Et Cyprianus de virginibus qui continenciam voverunt, sic inquit, *si perseverare nolunt, vel non possunt, melius est ut nubant, quam ut in ignem deliciis suis cadant.*

Censent itaque prædicti sancti patres tale votum non debere impedire matrimonium, sicut reverâ etiam non potest obstare quo minus hi quibus donum continenciæ non contigit, matrimonium contrahant: nam *melius est nubere quam uri,* ut inquit Paulus; quid autem est impurius cælibatu illo sacerdotali? quam pauci vero continent? quam plurimi in fornicationibus, adulteriis, et id genus similibus ac gravioribus peccatis et flagiciis pene quottidie deprehenduntur, contra quos si leges [fol. 198.]
severe animadverterent, non habituri essent, quo de illo ficto et hypocritico cælibatu adeo gloriarentur.

343 Ac tradunt historiæ in Germaniâ triennium aut amplius, sacerdotes acerrime restitisse sanctioni pontificis Hildebrandi de cælibatu, qui summâ vi eis uxores adimere conatus est, hique justissimas causas contra illam constitucionem ac tyrannidem pontificiam, pro matrimonio defendendo allegârunt, in quâ re cum nihil æqui obtinere potuerint, tandem ingens orta est seditio contra archiepiscopum Moguntinum, qui decretum pontificium exequi debuit, adeo ut is ab incœpto destiterit; et vix tandem papa post multas diras, execrationes, et bullas, quibus etiam cœlum ipsum expugnare conatus est, miseris sacerdotibus facultatem liberam conjugii, contra divina et humana jura abstulerit, et omnis generis libidinis et impuritatis exercendæ occasionem præbuerit. Extat quoque epistola ad Nicolaum episcopum Romanum I. Divi Udalrici episcopi Au-

gustensis, quâ is gravissimis et optimis argumentis dissuadet et damnat prohibitionem conjugii sacerdotum.

Cum igitur principes nostri, et alii profitentes evangelii doctrinam, patefactâ per Dei graciam iterum veritate, intellexerint quid de prohibitione illâ pontificiâ conjugii sacerdotalis sencien-
[fol. 199.] dum esset, et palam viderent et experirentur, quod non posset cælibatus ille sine peccatis et flagiciis consistere, ruperunt eâ etiam in re vincula pontificia, ac matrimonium sacerdotibus, sicut hoc scriptura sacra et exempla sanctorum patrum ac veteris ecclesiæ exigunt et testantur, liberum permiserunt. Existimârunt enim hoc quoque ad suum officium, pertinere, ut infinitorum scandalorum et scelerum, quæ necessario secum trahit cælibatus sacerdotalis, occasionem et materiam præciderent et auferrent, publicæque honestati hâc quoque in re consulerent; maxime cum animadverterent quantæ etiam abominationes, et in ordine sacerdotali, et in monasteriis vestalium ac monachorum evenerint, in quibus compertum est sæpe infantes crudeliter necatos, pharmacis fœtus depulsos, et similia nepharia crimina commissa, quos solos fructus cælibatus ille protulit; ideoque plurimi nunc sunt conjugati sacerdotes apud nos, multi etiam cælibes, idque cujusque conscienciæ ut vel ducat uxorem vel a conjugio abstineat, permittitur; modo ita vivat ne sit aliis offendiculo, alioqui enim non minus in sacerdotes quam reliquum vulgus, hâc quoque parte, secundum leges politicas animadvertitur. Ac per Dei graciam, hoc inde secutum est, quod eorum conscienciis, quibus continenciæ donum non contigit, consultum
[fol. 200.] fuerit, plurimorum flagiciorum et scelerum occasio cessaverit, matronis ac puellis quibus plerique istorum sub specie pietatis sæpissime inhiabant, et laqueos nectebant, nihil ejusmodi periculi sit; et in summâ, quod tum officia ecclesiastica, tum politica majore reverenciâ et honestate tractentur, quodque ab universis in majore honore et favore habeantur sacerdotes, quam antea in illo pleno scandalis cælibatu acciderit, id quoque magnâ ex parte honestum conjugium sacerdotum præstat.

Ad hæc, nulli acrius et constancius oppugnant Romanum pontificem, et tum matrimonii libertatem, tum sanam doctrinam ab illo obscuratam et oppressam defendunt, quam hi qui ab ejus jugo impuri illius cælibatûs liberati sunt; et honeste etiam suos liberos quos ex conjugio suscipiunt educare solent, quibus haud dubie Deus etiam post mortem parentum, ubi in

timore Domini aliti et edocti fuerint, prospiciet. Gravissimum enim esset, sacerdotes ideo a conjugio arcere, quod sua munia sive officia tantum ad vitam suam, non autem jure hæreditario
344 tenent; eâdem ratione multis aliis qui sunt aut in publicis muneribus, aut in privatis ministeriis, matrimonium interdicendum foret. Quod quidem si fieret, reipublicæ plus incommodi quam boni allaturum esset; cum et sacrarum literarum auctoritate, sanctissimorum patrum sententiis, legum, naturæ et gentium testimonio, et omnium sapientissimorum virorum judicio ac [fol. 201.] suffragiis constet, matrimonium semper iis, qui cælibes vivere non queant, ad vitanda graviora pericula, concessum et liberum esse debere.

Hæc, serenissime ac invictissime Rex, coram serenissimâ Regiâ Majestate vestrâ, breviter disserenda duximus, ut Majestati vestræ rationes quasdam commemoraremus, cur illustrissimi principes nostri, et alii evangelii doctrinam profitentes principes et status imperii, in his tribus articulis adeo dissenciant a Romano pontifice, ut sicut in reliquis doctrinæ Christianæ patribus a veritate vel latum digitum non discedendum esse existiment, ita in his etiam decreverint, abjectâ ejus tyrannide, pro gloriâ evangelii, et ad vitanda infinita scelera, perdurare. Neque vero hic dicemus de aliis abusibus a Romano episcopo introductis, inter quos in primis confessio auricularis recenseri meretur, quâ ille, et potestatem clavium tantum ad turpissimum quæstum et tyrannidem redegit, et confessionem ipsam, quæ informandarum et consolandarum conscienciarum graciâ, salubriter instituta fuit, carnificinam tantum conscienciarum reddidit, perque eam tum omnes reges, principes, et potentatus sub suo jugo tenuit, tum multorum malorum auctor extitit; de quâ quidnostri senciant ac quâ reverenciâ in ecclesiis retineant, edita ipsorum scripta testantur. [fol. 202.]

Ac gratulamur nobis datam occasionem hæc serenissimæ Regiæ Majestati vestræ exponenda, ejusque censuræ committenda: cum enim Majestas vestra et summâ doctrinâ, sapienciâ ac studio veritatis prædita sit, et Romani episcopi tyrannidem (haud sine mente deûm, sive numine divûm, ut poeta inquit) itidem ex suis amplissimis regnis exterminari curaverit, neque amplius per Dei graciam illius impiis opinionibus captiva teneatur; persuasissimum nobis habemus vestram serenissimam Regiam Majestatem hisce de rebus maximis, quæ ad Dei gloriam,

salutem ecclesiæ, et perpetuam profligationem Romani Antichristi pertinent, æquissimum ac liberrimum fore judicium, quod sane ii, quibus vel doctrina aut veritatis studium deest, vel animum habent addictum pontificiis opinionibus, vel metu interdum prohibentur, aut etiam adfectibus diverse trahuntur, non adeo facile præstare possunt; et plurimi interdum inservientes tempori, fingunt se odiisse pontificem, simulantque studium veritatis, quibus tamen reverâ aliud est cordi, hi vero quam non possint nec debeant de hisce controversiis ferre sententiam, serenissima Regia Majestas vestra nequaquam ignorat.

Non autem dubitamus, quin ut quisque est eruditissimus,
[fol. 203.] et veritatis evangelicæ amantissimus, ita facillime eum caussam nostram, imo Christi et ecclesiæ, adprobaturum esse, neque enim eâ ullum commodum aut emolumentum privatum quæritur, sed solum agitur de abolendis impiis abusibus in Christi ecclesiam per Antichristum invectis, et Christi gloria illustranda, ac veris cultibus restituendis, et ut hominum conscienciæ jugo ac tyrannide pontificiâ liberentur, ac scandala publica, quantum fieri possit, e medio tollantur. Quarum quidem rerum studium tantum abest quod jure reprehendi queat, ut etiam magis favore et imitatione dignum censendum sit: cum enim omnium bene consti- 345
tutarum rerumpublicarum hic præcipue finis et scopus esse debeat, ut et Dei gloria ornetur, et publica salus, honestas, pax et tranquillitas conservetur, quis dubitabit eos qui sedent ad gubernacula rerumpublicarum et ad hæc tanquam ad Cynosuram, ut dici solet, cursum suum et omnem rationem regendi rempublicam, instituunt, maximis laudibus dignos esse? Et quoniam serenissima Regia vestra Majestas, ut rex sapientissimus, et eruditissimus, hunc quoque scopum in gubernandis amplissimis et laudatissimis regnis et provinciis suis ob oculos habere, luce meridianâ clarius adparet, non possumus non nobis ipsis, quod
[fol. 204.] in hâc honestissimâ causâ promovendæ Christi gloriæ et publicæ utilitatis, ad serenissimam Regiam Majestatem vestram oratores missi sumus, non gratulari. Non possumus etiam non fœlices judicare universos subditos Majestatis vestræ, quibus divinâ bonitate talis rex et princeps contigerit, qui cum aliis regiis virtutibus excellit, tum studio veræ pietatis et veritatis evangelicæ omnibus modis admirandus conspicitur.

Sunt quidem illa maxima rempublicam certis et justis legibus civilibus constituere, bonos tueri et juvare, improbos pœnis

adficere, arcere injurias, pacem et concordiam subditorum conservare. Quis enim non tanquam Deum aliquem talem principem amplectendum et honorandum putet, a quo ista præstentur: sed adhuc sunt majora, si vera pietas accesserit, si Christi gloria ornetur, si Dei verbum in precio habeatur, si cultus divinæ voluntati consentanei instituantur, si hominum conscienciis consulatur, et publica scandala e medio tollantur. Illa enim tantum hanc civilem vitam attingunt, quam unumquemque ubi tempus præfinitum advenerit, deserere oportet: hæc vero ad æternam salutem pertinent quæ bonos et pios, cessante hâc miserâ condicione humanæ vitæ, expectat, quibusque et in hoc, et in futuro sæculo, maxima præmia proposita sunt. Hoc est cur Deus reges honore sui nominis ornat, cum ait, *Ego dixi,* [fol. 205.] *dii estis*, videlicet ut sciant sui officii esse maxime ut res divinas intelligant, et veram religionem in mundo conservent. Huc præcipue scriptura hortatur, cum inquit, *Nunc reges intelligite, et erudimini qui judicatis terram, servite Domino, &c.* Huc invitant exempla præstantissimorum regum in sacris literis, qui summâ curâ, operâ, ac studio veram religionem promoverunt, et impios cultus abrogârunt: hoc David, hoc Josias, hoc Josophat, hoc Ezechias, et deinceps omnes sanctissimi reges præstiterunt. Eadem cum serenissima Regia Majestas vestra haud dubie etiam cogitet, imo jam nunc in hoc totis viribus incumbat, ut syncera evangelii doctrina papæ tyrannide oppressa restituatur, gloria Christi itidem a pontifice obscurata iterum illustretur, et impii abusus ab illo ipso Antichristo in ecclesiam tanquam venenum quoddam pestilentissimum sparsi et introducti aboleantur, ac veri et divinis literis consentanei cultus et cæremoniæ constituantur, non dubitabimus quin Deus Optimus Maximus serenissimæ Regiæ Majestatis vestræ conatus et consilia, in hisce rebus sanctissimis et honestissimis fortunaturus sit, et pro suâ bonitate clementer effecturus, ut inter [fol. 206.] serenissimam Regiam Majestatem vestram et principes nostros, ac eorum in caussa religionis confœderatos, talis concordia constituatur, quam et in laudem evangelii, et publicam tocius Christiani orbis utilitatem cessuram, et majori exicio Romano Antichristo futuram esse, minime ambigimus: estque optima spes, ut volente Deo, quotidie plures reges, principes, et potentatus, ad hanc sanctissimam caussam accedant, ac evangelicæ
346 veritatis doctrinam agnoscant et recipiant, sicut etiam hactenus

per Dei graciam, maximi progressus facti sunt, et non tantum in Germaniâ, verum etiam extra Germaniam, potentissimi reges, principes, et civitates, divini verbi doctrinam receperunt.

Adparetque homines passim agnitâ veritate, ex scriptis eorum qui evangelii doctrinam profitentur et docent, per totum pene orbem terrarum sparsis, sanioris doctrinæ admodum cupidos esse, quorum preces aliquando Deus pro suâ benignitate exaudiet, ac suum verbum illuminatis mentibus regum et principum latissime propagabit, ut sit unus pastor, hoc est Dominus noster Jesus Christus, et unum ovile quod est ecclesia catholica, quæ profitetur syncerum Christi evangelium, et illi consenta-
[fol. 207.] neum usum sacramentorum retinet, non papistica aut Romana, quæ utrumque reprobat, odit, et oppugnat.

Quod reliquum est, serenissime ac potentissime Rex, domine clementissime, precamur et optamus ut serenissima Regia Majestas vestra incœpto negocio veritatis evangelicæ pro illustrandâ Christi gloriâ et salute publicâ, per Dei graciam, fortiter pergat, quod quidem Majestatem vestram, ut regem veræ pietatis et omnis virtutis ac doctrinæ amantissimum, facturam, nihil dubitamus: oramusque ut serenissima Regia Majestas vestra dato benigno responso, ad illustrissimos principes nostros, quam primum fieri queat, ne commodam præsentis navigationis occasionem negligamus, clementer nos dimittat; et ut serenissima Regia Majestas vestra, erga quam nostra debita officia atque servicia summâ cum observanciâ perpetuo constabunt, has nostras literas pro suâ insigni humanitate, bonitate ac clemenciâ, in optimam partem accipiat, nosque etiam clementer commendatos habeat. Bene valeat serenissima Regia Majestas vestra, quam Deus Optimus Maximus pro illustrandâ et propagandâ nominis sui gloriâ et publicâ salute, diu servet incolumem. Datæ Londini quinti die Augusti anno Dom. M.D.XXXVIII.

[fol. 208.]

Vestræ serenissimæ regiæ
Majestatis
Addictissimi et obsequentissimi,
Franciscus Burgratus
Vicecancellarius,
Georgius a Boyneburgh D.
Oratores.
Friderichus Myconius
Ecclesiastes Gothanus.

347 Addenda, Number VIII. [p. 255.]

The king's answer to the former letter.

LITERAS vestras, egregii ac præstantissimi oratores, per ministrum vestrum nuper ad nos missas, summâ humanitate plenas, atque ingentem erga nos benevolentiam spirantes, tum libenter accepimus, tum magnâ cum voluptate legimus; quibus significatis vos, post exposita nobis mandata, cum quibusdam episcopis et theologiæ doctoribus a nobis designatis de Christianæ religionis nonnullis articulis per duos menses contulisse; non dubitare quoque quin inter principes vestros et nos, atque utrorumque episcopos, theologos et subditos, firmâ perpetuâque concordiâ in evangelii doctrinâ ad laudem Dei, et Romani Antichristi perniciem sit sequutura. Verum quia reliquam disputacionem de abusibus expectare non potestis, cum jam naves appulerint vos in patriam deportaturæ, ante discessum vestrum existimatis vestri officii esse ut sententiam vestram de quibusdam abusuum articulis nobis declaretis, de quibus nos post discessum vestrum cum episcopis et theologis nostris conferre possemus. Et quia tria capita præcipua putatis quæ fundamentum pontificiæ tyrannidis sustentare videntur, nempe prohibitionem utriusque speciei in cœnâ Domini, missas privatas, et prohibitionem conjugii sacerdotum; de hiis articulis sententiam vestram ingenue aperitis, atque eam judicio nostro quantulumcumque id sit, et censuræ committitis: quis non hanc vestram benevolentiam, egregii oratores, summopere amplectatur? Quis non hanc vestram gratitu dinemmodis omnibus admiretur, qui nobiscum ea communicare studetis, quæ non modo ad præsentem vitam transigendam, sed ad futuram quoque assequendam conferunt? Enimvero si illos non abs re existimamus amicos, qui in regionum commerciis ea quæ sunt grata atque commoda important, ne quid usquam desit quod ad præsentem vitam degendam pertinet; quanto magis illi sunt amici judicandi, qui quæ ad æternam vitam conferunt impertiri non gravantur. Nam quæ præsentis vitæ subsidia parantur durabilia diu non sunt, quæ

Cotton lib. Cleop. E. v. [fol. 215.]

vero ad æternam promovent nunquam intermoriuntur. Quinimo amicitia ipsa terrena, quantumvis ingens, quantumvis firma, finem habet e vitâ excessum, charitas vero quæ nunquam excidit post hanc vitam splendescit magis. Et quia nostrum judicium non aspernari videmini, quod nos ipsi indignum existimamus, ut de rebus tam arduis judicet atque ea proponitis quæ putatis imprimis amplectenda, quâ in re non vulgarem sed ingentem vim erga nos amoris ostenditis, ne nos non respondere huic vestræ tantæ gratitudini videremur, si quæ nobis ad præsens videntur vobiscum non communicaremus, decrevimus itidem de hiis tribus articulis nonnihil attingere, et pectus nostrum ingenue vobis aperire: quo fiet ut mutuus inter nos et principes vestros amor eo magis augescat, eo diutius foveatur, si nihil occultum inter amicos retentetur, sed summâ sinceritate gerantur omnia, id quod nos cum omnibus amicis semper facere consuevimus. Quod nostrum perpetuum institutum inpræsentiâ apud amicissimos, eosque quos habemus charissimos, mutare nequaquam libuit. Verum de articulis ipsis tandem agamus.

De utrâque specie. 348

QUOD inprimis sub utrâque specie semper eucharistiam populis secundum primariam Christi institucionem dandam esse existimetis, et nullo pacto sub alterâ tantum, Non possumus quovis pacto adduci, egregii et præstantissimi oratores, ut putemus vos id serio affirmâsse, sed forsan probandi causâ nobis id protulisse, ut quid sentiamus intelligeretis. Nam ipsa opinio tam aliena est a rectâ scripturæ intelligentiâ, ut vix quivis id serio affirmare præsumeret, quod latius in hâc epistolâ declarabimus. Nec nobis persuadere possumus, etsi occasio sit, vos non nobiscum credere, quod sub specie panis sit realiter et substantialiter verum et vivum corpus Christi, et una cum corpore sanguis verus, alioqui fatendum esset corpus ibi exangue esse, quod nephas esset dicere, cum caro illa Christi non modo viva, sed et vivificatrix sit; et quod sub specie vini non modo vivus et verus Christi sanguis sit, sed etiam una cum vero sanguine viva et vera etiam corporis sit caro. Quod cum ita sit, necessario consequetur etiam eos qui sub alterâ specie communicant, et solum sub specie panis corpus Christi sumunt, [fol. 216.] etiam non fraudari communione sanguinis Christi, atque eos

etiam qui sub specie vini communicant non fraudari communione corporis Domini; quocirca cum sub alterutrâ specie utrumque contineatur, videlicet et corpus et sanguis Christi, utravis solum species porrigatur populis, utrumque, id est tam sanguis quam corpus Christi, per hoc eiisdem exhibeatur. Nam Christus ipse sub alterâ specie dedisse legitur in evangelio Lucæ discipulis duobus in Emaus euntibus, quando agnitus est in fractione panis; scribitur enim, quod cum recumberet cum eis, accepit panem et benedixit, ac fregit et porrigebat illis, et aperti sunt oculi eorum, et cognoverunt eum in fractione panis. Ubi de eucharistiâ eum locum vetustissimi authores Chrisostomus, Theophilactus, et Augustinus intelligunt, et tamen de vini poculo nulla ibi fit mentio: unde Christus qui in alterâ specie ministravit eucharistiam, libertatem ecclesiæ sponsæ suæ reliquisse videtur, ut imitetur sponsi sui vestigia, ac similiter sub alterâ specie, sicut sub utrâque communicare libere possit. Nam Christus qui sub utrâque specie communionem docuit, etiam de communione sub alterâ ipse exemplum reliquit, qui secum tamen nusquam vel in præceptis, vel in exemplis dissidet.

Simile idem Lucas in Actis Apostolorum citat, quando post adventum Spiritûs Sancti, prædicante Petro, appositæ sunt animæ circiter tria millia, inquiens, *Erant autem perseverantes in doctrinâ apostolorum et communicatione et fractione panis et orationibus:* ubi similiter de eucharistiâ cum locum intelligunt veteres, et de poculo nulla fit ibi mentio. Jam si Christum ipsum autorem, si apostolos ab eo ad docendum orbem missos patronos habet communio sub unâ specie nempe panis, usitata in ecclesiâ non est tanquam evangelicis præceptis contraria, statim repudianda; nam apostoli, qui per adventum Spiritûs edocti sunt omnem veritatem, nunquam in fractione panis communionem dedissent populo, si utraque species de præcepto Christi semper necessario fuisset porrigenda, ne Christi jubentis parum memores institutum ejus mutâsse viderentur.

Porro ipsa Christi verba, quæ post evangelistas Paulus totam cœnam Dominicam Corinthiis enarrans citat, nos admonent
349 Christum separatim de alterutrâ specie locutum esse; ait enim, *Dominus Jesus in quâ nocte tradebatur, accepit panem et gratias agens fregit, et dixit, Accipite et manducate, Hoc est corpus meum quod pro vobis traditur, Hoc facite in mei*

commemorationem. Ecce Christus de corpore suo sub specie panis sumendo separatim locutus est, inquiens, *Hoc facite,* priusquam ullam de poculo faceret mentionem. Postea autem de calice ait Paulus. *Similiter et calicem postquam cœnavit accipit dicens: Hic calix novum testamentum est in meo sanguine, Hoc facite quotiescumque bibetis in mei commemorationem:* nec dixit sicut de corpore dixerat simpliciter, *Hoc facite in mei commemorationem,* sed dixit, *Hoc facite,* cum hâc adjectione, nempe *quotiescumque bibetis in mei commemorationem,* per hoc nobis indicans, non semper sub specie vini sumendum esse sanguinem una cum corpore sub specie panis, sed quotiescunque sumeretur sanguis sub specie vini in commemorationem Christi, id faciendum.

Ecce rursum Christus post distributionem corporis sui, peractâ cœnâ in quâ corpus suum sub specie panis separatim prius dederat, iterum separatim sub specie vini sanguinem suum offert, inquiens, *Hoc facite quotiescunque bibetis in mei commemorationem,* significans nobis et seorsum nonnunquam alterum porrigi posse, et tamen cum ita fit, utriusque vim integram populis dari, alioqui suffecisset semel duntaxat de utroque fuisse dictum, *Hoc facite,* nec de calice adjecisset *Hoc facite quotiescunque bibetis,* cum prius de specie panis simpliciter dixisset *Hoc facite,* nisi separatim ea sumi posse indicaret.

Neque quisquam negare potest discipulos in cœna sub specie panis sumpsisse corpus Christi, nam cœnantibus illis, accepit panem et benedixit ac fregit deditque illis, dicens, *Hoc est corpus meum:* calicem autem non nisi post intervallum ac peractâ cœnâ porrexit, nisi quis adeo stupidus esset, ut crederet post sumptionem speciei panis non prius eos sumpsisse corpus Christi, quam postquam cœnavit porrexisset calicem; quasi vero priora verba Christi irrita fuissent, cum de specie panis diceret *Hoc est corpus meum,* aut ipsa distributio facta discipulis nullam vim haberet, priusquam de calice, peractâ cœnâ bibissent: quod cum impium sit sentire, tum ipsum verbum et factum Christi, proh nephas evacuat. Denique ipse Paulus,
[fol. 217.] postquam etiam de utrâque specie conjunctim locutus est, rursum de ipsis speciebus disjunctim infert, inquiens ὥστε ὃς ἂν ἐσθίει τὸν ἄρτον τοῦτον, ἢ πίνει τὸ ποτήριον τοῦ Κυρίου ἀναξίως, ἔνοχός ἐστι τοῦ σώματος καὶ αἵματος τοῦ Κυρίου.

Quæ verba Latine sic transtulit Erasmus, *Itaque quisquis*

ederit panem hunc aut de calice biberit indigne, reus erit corporis et sanguinis Domini; ubi ex Pauli verbis aperte liquet, Quisquis indigne panem hunc sumpserit, reum esse corporis et sanguinis Domini, aut siquis de calice biberit indigne, similiter reum esse sanguinis et corporis Domini, quod tamen nullo modo crimini daretur, nisi seorsum sub specie panis esset et corpus et sanguis Christi, atque itidem sub specie vini seorsum esset et sanguis et corpus Christi; nec disjunctim de specie panis locutus fuisset Paulus, si nunquam nisi conjunctim cum calice sumeretur: neque rursum disjunctim de calice dixisset, si nunquam nisi conjunctim cum specie panis esset sumendus. Quorsum enim ea disjunxisset si nunquam nisi conjuncta esse possent? At verba ipsa scripturæ singula sunt attendenda, nam prophèta inquit, *Inclinate aurem vestram in verba oris mei;* et Moises in Deuteronomio ait, *Ponite corda*
350 *vestra in omnia verba quæ ego testificor vobis hodie, quia non incassum præcepta sunt vobis.* Et iterum, *Non addetis ad verbum quod vobis loquor, nec auferetis ab eo.* Verba igitur Domini atque ipsius Pauli, et separatim de alterutrâ specie primum posita, et post utriusque conjunctionem etiam iterum disjuncta, significare nobis videntur, et posse alterutram speciem seorsum porrigi secundum verbum Christi.

Nec per hoc quod Christus dixit, *Bibite ex hoc omnes,* statim consequetur Christum jussisse communionem cuilibet de populo semper sub utrâque specie et nunquam sub alterâ dandam esse: nam illorum verborum sensum non alium esse apparet, quam quem ipse Dominus apostolum suum Paulum, qui a Domino de hoc sacramento omnia se accepisse testatur, edocuit, nempe quod quotiescunque de calice hoc quisquam biberet, id in Christi memoriam faceret, sicuti fecerunt discipuli, qui tunc aderant præsentes et de eo biberunt omnes: itaque quotiescumque sanguis Christi bibendus a quoquam est, in memoriâ passio Christi recordanda est; sicut similiter quisquis corpus Christi sumpserit, ad memoriam passionem ejus revocare debet: neque ex præcepto Christi toties bibendum esse de hoc calice, quotiescumque corpus Christi sumendum est, apparet per ea quæ de verbis et de exemplo Christi supra dicta sunt. Certe quicquid Christus omnino observari præcepit, non posse ullâ humanâ sanctione prohiberi putamus, cum humana lex divinam abolere non possit. Similiter etiam exis-

timamus, nec morem ullum, nec ullam consuetudinem tantopere apud homines valere debere, ut Dei verbum expugnet et Christi præceptum subvertat.

Veruntamen cum Christus nobis libere reliquerit ut eum tribus modis corporaliter sumere possimus, et quarto spiritualiter, nempe primo, sub utrâque specie; secundo, sub panis specie tantum; tercio, sub vini; quarto, voluntate et desiderio solo cum aliter necessitate coacti eum sumere nequimus; existimamus pro primo, ut siquis fidelis ardenti in Deum amore flagrans, pietateque ingenti æstuans, magnopere desideraret sacramentum sub utrâque specie sumere, si nullum vel valetudinis vel imbecillitatis obstaret impedimentum, ei sub utrâque specie communio præberi possit, dummodo neque postulans neque ministrans sacramentum in scandalum populi, aut in contemptum ecclesiæ id faciat, neque suo jure leges regionis in quâ degit sive ecclesiasticas sive laicas infringere præsumat.

Pro secundo et tercio sic, quod si impedimentum aliquod hujusmodi intervenit, ut in utrâque specie absque periculo sumi non possit, ut si quis paralisi correptus, aut ob alia quævis naturæ aut morborum impedimenta utramque speciem recipere commode non possit, hic si desideret sacram communionem sumere, ei sub alterâ tantum specie porrigatur. Pro quarto autem, quod si quis nauseâ, vel aliâ corporis molestiâ adeo sit infestatus, ut nihil in stomachum receptum non rejectet, huic si id petat, sacramentum saltem ostendi posset, ut viso eo mortem Christi redemptoris sui citius revocans in memoriam compunctus corde spiritualiter communicet.

Plurimum igitur demiror, quod hii qui Christianæ libertatis assertores et acerrimi propugnatores videri volunt, libertatem
[fol. 218.] hanc nostram in hoc uno corporis et sanguinis Domini sacramento, quo nihil superexcellentius, nihil celebrius, nihil incomparabilius, nihil denique ad consolandos fidelium animos solidius, Christus hinc abiturus ecclesiæ suæ reliquit, nobis tollere velint, 351
quid enim majus donare potuit Christus in hoc sacramento sumendum quam seipsum? Deinde cum ipse omnino liberum nobis reliquerit, et posse aliquos sub utrâque specie communionem accipere, et posse alios sub alterâ, nonnullos quoque morborum necessitate impeditos, saltem in conspectum prolato corpore Domini compuncto corde posse spiritualiter communicare, quanta immodestia, quanta inclementia esset, libertate hâc

fraudare Christianos? Ut quibus sub utrâque specie, ob impedimenta quæ sunt innumera, communio præberi non posset, hiis summi boni fruitione privatis sub neutrâ daretur! Nec adhuc fatentur et si non corporaliter sumatur, saltem spiritualiter capi posse. Quâ non servitute durior esset hæc conditio, ut Christi redemptoris nostri corpus, quod illa a fidelibus sumi voluit, nobis id summopere desiderantibus violenter eripiatur; quis ingenue Christianus libertatem fruitionis hujus sibi extortam non omni morte intollerabiliorem putaret? Itaque libertas hæc a Christo nobis relicta omni conatu retinenda est, omnibus viribus amplectenda, nec ipsis meâ opinione fidendum est, qui eam nobis tollere velint.

Præterea, quid fiet apud septentrionales populos? quid apud populos Aphricæ et qui intra tropicos habitant? apud quos non ea vini copia est ut populis omnino sub specie vini præbere posset, (nam hiis populis servisia ex frugibus est potui) an ideo quia sub utrâque specie hiis ministrari sacramentum non potest, ab utrâque arcendi essent? aut sub unâ non integrum Christum capere possent? id quod absit.

Quando autem primum populus priscum morem deserere, et sub alterâ tantum panis specie communionem sacram sumere cœpit, nobis est incompertum. Credibile est majores nostros auctoritate scripturæ motos, quæ alteram nonnunquam speciem per Christum et apostolos datam memorat, propter periculum effusionis in terram sanguinis Christi, cum liquida omnia levi membrorum trepidante motu facile effundantur, religiosâ quâdam et piâ reverentiâ, non mediocrique Dei timore abstinuisse in sacramento a vini specie, nec Christum qui se cum ecclesiâ usque in finem omnibus diebus mansurum promisit, tot sæculis eam deseruisse, ut si necessarium præceptum de utrâque specie semper ab omnibus sumendâ dedisset, in re tanti momenti eam permisisset turpiter labi; sed magis ecclesiæ suæ liberum reliquisse videtur, ut cum in alterutrâ specie totus et integer Christus contineatur, sub alterâ etiam sumi possit.

Qui vero sit mos hodie de utrâque specie in ecclesiis Græcis, quæ Romanæ ecclesiæ tyrannidem nunquam admiserunt, non satis nobis est compertum, cum Græcia tota Turcarum subsit imperio, nec liberam habeant facultatem Christum ut libet profitendi, quando nec verbum Dei publicę prædicare, neque ad

campanarum sonitum populum convocare, nec publicas Lethanias crucis vexillo præeunte facere, his ullo pacto est concessum.

Illud quoque inprimis est observandum, nempe quod in universis ecclesiis in die Parasceues sacerdos et omnis populus sub unâ tantum specie panis communicat, non sub specie vini, ut cum is dies repræsentat mortem Christi in qua sanguis ejus preciosus pro nostrâ salute effusus est et separatus a corpore, separatim illo die sub alterâ solum specie communicarent omnes sive sacerdos sive populus; qui mos per universam ecclesiam nunquam fuisset admissus, nisi sub alterâ tantum specie integer Christus contineretur, atque nisi sub alterâ sacramentum populis ministrari posset.

De missâ privatâ.

PER MISSAS autem privatas multos abusus introductos 352
esse dicitis, quas velut Atlantem quendam papatum sustinuisse, indulgentias invexisse, orbem expilâsse, utpote quæ ad quæstum pateant, monachorum turbas coacervâsse, verbum Dei exter-
[fol. 219.] minâsse asseritis, atque ideo Germani principes synaxim veteri more reduxisse quam linguâ vernaculâ facere, ritu satis decoro atque decenti commemoratis; privatas vero missas apud vos in totum abolitas esse, quæ tot pepererunt abusus et fœtus malignos. Quâ de re nobiscum diu multumque cogitantes, consideramus inprimis nihil unquam in ecclesiâ suâ Christum ordinâsse quo malignus serpens aliquando non sit abusus, neque tamen propterea rejiciendum est quicquid sancte est ordinatum, alioqui sacramenta omnia antiquanda essent; quin magis reputavimus longe satius esse abusus omnes in totum removere, quæ vero sancte et pie introducta sunt in ecclesiam, illa ipsa stabilia manere.

Nam si ideo missæ privatæ abolendæ sunt in totum, quia de illis Thomas Aquinas, Gabriel, atque alii doctrinas ut dicitis impias induxerunt, viz. missas ex opere operato gratiam mereri, et tollere peccata vivorum et mortuorum, et applicari posse alienum opus ad alterum, quicquid sit, quod illi asserunt, hoc de omni missâ asserunt, non de privatâ dumtaxat. Quapropter si ad tollendas illas opiniones qualescunque missa privata esset abroganda, eâdem ratione abroganda esset synaxis et missa publica, quam vos ipsi retinetis nec censetis abolendam, quic-

quid de eâ alii opinentur. Missa vero privata, velut privata quædam est communio et synaxis, quæ si recte atque ut decet fiat, quicunque fideles illi interesse decreverint, si pœnitentes convenerint contriti de peccatis, Deique implorent misericordiam cum filio prodigo dicentes, *Pater peccavi in cœlum et coram te,* haud dubium quin ipsi spiritualiter cum sacerdote communicant, offerentes se et animas suas, hostias vivas et acceptabiles Deo, tametsi pauci fuerint, atque a corporali sacramenti sumptione abstinuerint: ac per hoc missa privata ecclesiæ adeo non obest, ut non parum et ad vitam corrigendam, et ad fidem in Christum corroborandam prodesse videatur, quippe Christiani per hoc peccatores se agnoscunt quotidie delinquentes, quotidie veniam postulant, quotidie per peccatum in salebroso vitæ hujus cursu cadentes, quotidie pœnitentes resurgunt, et velut alacriores redditi, devicto sæpius hoste, fiunt ad pugnam audentiores.

Porro statim in exordio omnis missæ privatæ publica sit peccatorum omnium generalis confessio; venia postulatur a Deo, absolutio impartitur a sacerdote secundum Dei verbum, quemadmodum in missâ publicâ.

Etsi in missâ publicâ et quantumcunque solenni nemo adsit alius præter sacerdotem qui communicare velit in esu sacramenti, quid quæso differet missa publica a privatâ? An sacerdos in solenni die populo ad sacra conveniente, si nemo alius communicare velit, abstinebit a missâ publicâ?

Atque inter Græcos ipsos, ubi singulis Dominicis diebus fit una missa publica uti asseritis, raro admodum communicat in esu sacramenti quisquam e populo, uti a fide dignis accepimus, qui ipsi Græcorum sacris interfuerunt.

353 Quod vero Epiphanium citatis qui singulis septimanis ter celebratam synaxim in Asiâ asserit, eumque morem ab apostolis inductum, cum jam tantum in Græciâ singulis Dominicis fiat populi conventus ad sacra, si mutari mos potuit ab apostolis inductus, ut rarius quam statuerunt apostoli populus congregaretur, cur non etiam mutari potuit ut sæpius conveniret, quando per hoc celebrior fit mortis Christi memoria, id quod in missâ fit etiam privatâ.

Jam vero si sacramentum hoc a fidelibus exerceri Christus in mortis suæ memoriam præcepit, inquiens, *Hoc facite in meam commemorationem,* ne mors ejus raro admodum commemorata

in oblivionem transiret, quo crebrius, quo frequentius, memoria ejus in sacramento repetitur, eo mandatum ejus servatur magis.

Etenim sicut raro admodum memorata oblivioni sunt obnoxia, ita crebro frequentata radices in mente agunt altius, ne obliterari unquam possint; itaque ut mors Christi crebrâ memoriâ illustretur, missa etiam privata non parum confert.

Certe Paulus apostolus singulas domos privatas, ubi credentium numerus aliquis erat, ecclesias vocat, nempe membra majoris ecclesiæ, civitatis illius in quâ essent, sicuti majores ipsas civitatum ecclesias, membra catholicæ et universalis ecclesiæ appellat, scribens ad Corinthios, at quæ ecclesia arcenda est a communione corporis Domini? Christus etiam ipse instituendo sacramentum hoc corporis et sanguinis sui, inquit, *Hoc quotiescumque facitis, facite in meam commemorationem:* nec tempus nec locum ullum cohibuit, quo fieri id non posset, quonam modo igitur arcebimus quemquam a missis privatis? et ad dies festos publicamque sinaxim eum relegabimus? cujus arbitrio Christus liberum reliquit, quando et ubi id vellet decenter exequi, dum inquit *quotiescunque?* nam si certa tempora servanda essent, non ita indefinite locutus fuisset Christus ipsum Dei Verbum, ipsa sapientia Patris. [fol. 220.]

Jam vero ab initio nascentis ecclesiæ per singulas domos ubi erant fideles fiebat communio, atque id quotidie, teste Lucâ in Apostolorum Actis, ubi ait, *Quotidie quoque perdurantes unanimiter in templo, et frangentes circa domos panem;* quem locum etiam de communione veteres interpretes intelligunt, et tamen singulis diebus non agebant publice dies festos, sed privatim per domos communicabant: Et si terrenorum regum atque principum ministri plerique omnes nullum diem transigere cupiunt, quo non fruantur vel solo aspectu sui Domini, tametsi propior congressus non contingat, quis fidelis Christianus non omnibus optabit votis, ut quando in hâc vitâ Christum Regem regum et Dominum dominantium, in majestate gloriæ regnantem cernere mortales oculi non possunt, saltem per fidem in sacramento corporis Domini, quod ille fidelibus in memoriam sui frequentandam reliquit, interim quotidie regem gloriæ videat?

Quod vero Chrisostomus sacerdotem ad altare stare, et alios ad communionem accersere, alios arcere scribit, enarrat morem

publicæ communionis, qui in inicio nascentis ecclesiæ crebrius quam nunc fit frequentabatur; qui mos nunc in Paschate, quando ubique communicat populus, apud omnes servatur ecclesias: cæterum ille ipse expostulat cum fidelibus sui temporis, quod rarius communicent, quam vel oporteret, vel vetus mos erat; cæterum nusquam is privatas missas vetuit.

354 At canon Nicenus diaconis in communione publicâ suum locum designat post presbyteros; cæterum nec is canon, nec ullus alius missas privatas abrogat.

Sacramentum autem eucharistiæ sacrificium non esse arbitramini, quod unum sacrificium sit propiciatorium mors Christi, et cum is ultra non moritur, qui semel tantum pro nobis oblatus est, nullum restat ultra sacrificium, nisi cultus spiritualis, hoc est, justicia fidei et fructus fidei. Quid sibi velit justicia quæ ex fide est scimus, quippe quam Paulus opponit justiciæ quæ est ex lege: cæterum qui sint fructus fidei, nobis ex scripturis non satis liquet, ipsam fidem sicuti charitatem, et multas alias virtutes scimus esse fructus spiritûs. Verum enim vero non satis miramur, cur quispiam ægre ferat missam sacrificium vocari, quando omnis vetustas et Græcorum et Latinorum sic eam appellare consuevit, quod ibi fiat consecratio corporis et sanguinis Domini in memoriam mortis ejus, qui, ut inquit Paulus, *pro peccatis offerens hostiam, in sempiternum sedet ad dexteram Dei, unâ enim oblatione consummavit in sempiternum sanctificatos.* Itaque si Christus et sacerdos esset, et sacrificium, et hostia, ubicunque est Christus, ibi est hostia nostra, ibi est sacrificium nostrum; at si in sacramento altaris est verum corpus Christi, et verus sanguis Christi, quo pacto manente veritate corporis et sanguinis Domini, non est ibi sacrificium nostrum?

Porro quia in missâ est Christus sacrificium nostrum, qui [fol. 221.] ipse ultra non moritur, ibique cum ipso capite nostro, nos illius corpus et membra nosmet ipsos Deo hostias vivas offerimus, Græci id totum *ἀναίμακτον θυσίαν*, id est, sacrificium incruentum vocant: ita veteres omnes intrepide missam sacrificium vocârunt, quod ibi sit Christus sacrificium nostrum in sacramento.

Sic Basilius, sic Chrisostomus, sic Hieronimus, sic Augustinus, eam appellare non dubitant. Quocirca quid vetat missam, in quâ consecratur panis in corpus Christi, et vinum in sanguinem ejus, qui vere est sacrificium nostrum, et hoc fieri

in memoriam sui jussit, vocari sacrificium : alioqui si id negabimus, non parum verendum est, ne cum sacramentariis quos nunc vocant, qui veritatem corporis et sanguinis in sacramento negant, et cum anabaptistis consentire videamur, a quâ suspicione sicut in animo nostro nos profitemur longe abesse, ita quoque cupimus calumniantibus adversariis omnem obtrectandi ansam auferri. Atqui cum in missâ tum sacerdos, tum populus contritus de peccatis se, ut hortatur Paulus, Hostiam vivam, sanctam atque Deo placentem exhibeat, laudes quas Deo canat et in gratiarum actione versetur, quis dubitare potest, eâ quoque ratione, missam jure sacrificium nominari, cum propheta appellet sacrificium laudis, et Paulus omnes hortetur, ut se hostias vivas exhibeant, id quod fit in missâ. Malachias etiam propheta inquit, *Ab ortu solis usque ad occasum, magnum est nomen meum in gentibus, et in omni loco sacrificatur, et offertur nomini meo oblatio munda, quia magnum est nomen meum in gentibus, dicit Dominus exercituum.* At quæ alia oblatio munda in omni loco inter gentes, nisi solus Christus, aut quod aliud sacrificium Christianorum, nisi missa, ubi commemoratio mortis Christi agitur ? Nam aut aliquod inter gentes Christianorum oportet esse sacrificium, aut mentitus est propheta. Quænam quæso est oblatio munda, nisi solus Christus hostia nostra, qui in sacramento altaris est sub panis et vini speciebus ? quippe quantumcunque nos ipsi nos Deo offeramus, hostiæ mundæ non 355
meremur nomen, quorum omnis justicia velut pannus est menstruatæ ; Itaque, constat missam sacrificium vocari ex verbo Dei per Malachiam enunciato, quod cum ita sit, cur missæ invidemus nomen sacrificii, quod propheta prædixit, et in quâ Christus in sacramento præsens est ipse mundi sacrificium.

De conjugio sacerdotum.

CÆLIBATUM sacerdotum contra scripturam, contra leges naturæ, contra honestatem, per pontificem Romanum asseritis inductum, cum scriptura sacerdotibus, sicut cæteris hominibus, conjugium permittat, nec possint naturam suam mutare, nec absque singulari dono cælibes vivere : Nam non omnes capiunt verbum hoc, et Paulus inquit, *propter fornicationem unusquisque uxorem suam habeat.*

Hic primum ordiri juvat, ut locum illum evangelii de tribus eunuchorum generibus consideremus, quandoquidem Christus

alios a naturâ eunuchos esse asserit, alios per vim factos, quorum neutrum genus continentiæ virtute splendet; quoniam alteros ad generandum natura, alteros violentia reddidit inutiles. Tercium vero genus eorum est, qui quamquam terrenâ generatione uti possunt, malint continere, et se castrare propter regnum cœlorum. De quo genere Christus statim infert, *qui potest capere, capiat*, id quod nec de primo, nec de secundo eunuchorum genere intelligi potest, quibus continentiæ palma negata est, cum discendere in certamen nequeunt: tercium vero genus eorum est, qui continentiæ student, et a licitis nuptiis abstinere malunt propter regnum cœlorum, quo Christum liberius atque expeditius sequantur, ne terrenis nuptiis implicati, *cogitare* cogantur, ut inquit Paulus, *quæ sunt mundi;* ad quod genus Christus virginitatis autor homines sapientissime invitat, inquiens, *Qui potest capere, capiat:* per hoc quod inquit, *capiat*, homines adhortans ad capescendum certamen ut palmam arri- [fol. 222.]
piant, nempe regnum cœlorum, ad quod neminem hortaretur, si nemo carnem posset vincere; per hoc vero quod ait, *qui potest capere*, posse capi palmam indicans; alioqui si impossibile esset carnem superare, quorsum attineret dicere, *qui potest*, si nemo id posset. Præterea per ea verba, *qui potest capere*, quosdam etiam esse declarat, qui non facile possunt, nam nisi aliqui non facile possent capere, cur secerneret eos qui possunt; itaque considerandas animi vires admonet, priusquam certamen aggrediare, ne temere arrepto certamine turpiter succumbas: nec dixisset quosdam esse, qui se castraverunt propter regnum cœlorum, si caro esset insuperabilis, et nemo se castrare posset. Nec dubitandum est quin is qui hortatur ad subeundum certamen, gratiam suam sine quâ nihil possent, hiis non defuturam demonstrat, qui nomina sua in militiam ei dederunt, quorum ille ipse dux futurus est, qui non modo in periculis suos milites invocatus nunquam deserit, sed stat ante januam et pulsat, paratus semper ad succurrendum, siquis ei aperiat: nam Paulus tentationes superari posse, nos admonet, modo Dei auxilium imploremus, inquiens, *Tentacio vos non apprehendit nisi humana, fidelis autem Deus qui non patietur vos tentari supra id quod potestis, sed faciet* etiam cum tentacione proventum *ut possitis sustinere.* Quamobrem hiis qui continentiam semel profitentur, et eam postea turpiter deserunt, etiam atque etiam considerandum est, ne nomen Dei blasphemare videantur

Christum accusantes deserti auxilii, cum sint ipsi desertores militiæ, et primo statim congressu terga dantes hosti: itaque quod Paulus liberum cuique facit, ut propter fornicationem uxorem suam habeat, id de hiis intelligi, qui continentiam non sunt professi, Paulus ipse nos docet, inquiens, de viduis adolescentioribus, quæ *cum luxuriatæ fuerint in Christo nubere volunt, habentes damnationem quia primam fidem irritam fecerunt.* Augustinus Pauli doctrinam secutus, Psal. 83. inquit, *alius ex Dei munere majus aliquid vovit statuit nec nuptias pati, qui non damnaretur si duxisset uxorem; post votum quod Deo promisit, si duxerit damnabitur:* sic virgo quæ si nuberet non peccaret, sanctimonialis si nupserit Christi adultera reputabitur, respexit enim retro de loco quo accesserat, exemplo uxoris Loth, et *sicut canis reversus ad vomitum* reputatur. 356

Itidem Augustinus, Psal. 75. ample asserit votum semel emissum servandum esse. Hieronimus etiam adversus Jovinianum inquit, *virgo quæ se Deo dicavit, si nubat, damnationem habet;* atque alio loco adversus eundem, *virgines tuæ quas prudentissimo consilio* (quod nemo unquam legerat, nec audierat de apostolo) *docuisti, melius esse nubere quam uri, occultos adulteros in apertos verterunt maritos;* non suasit hoc apostolus, non electionis vas Virgilianum consilium est, *Conjugium vocat, hoc prætexit nomine culpam.* Verbum ipsum Dei palam adversatur ubique ne rumpantur vota. Propheta inquit, *vovete et reddite Domino Deo vestro;* in Deuteronomio quoque scribitur, *cum votum voveris Domino Deo tuo, non tardabis reddere, quia requiret illud Dominus Deus tuus, et si moratus fueris, reputabitur tibi in peccatum; si nolueris polliceri absque peccato eris, quod autem egressum est de labiis tuis, observabis et facies, sicut promisisti Domino Deo tuo et propriâ voluntate et ore locutus es.* Ecclesiastes etiam inquit, *siquid vovisti ne moreris reddere, sed quodcunque voveris redde:* et in Numerorum libro scribitur, *siquis virorum votum Domino voverit, aut se constrinxerit juramento, non faciat irritum verbum suum, sed omne quod promisit implebit.* Quocirca ecclesia a principio sicut conjugatos sacerdotes et episcopos, qui sine crimine essent unius uxoris viri, propter necessitatem admisit, cum tot alii quot possent ad edocendum orbem sufficere tunc non reperirentur idonei, et tamen Paulus, Timo-

theum cælibem elegit; ita quoque siquis ad sacerdotium cælebs accersitus, postea uxorem duxerit, semper a sacerdotio deponebatur, secundum canonem Neocæsariensis concilii, quod fuit ante Nicenum. Similiter in Calcedonensi concilio, in cujus primo capite priora consilia confirmantur, statuitur ut diaconissa, si se nuptiis tradat, maneat sub anathemate, et virgo Deo [fol. 223.] dicata et monachus jungentes se nuptiis, maneant excommunicati.

Hoc quoque observandum est, quod in canonibus apostolorum habetur, tantummodo lectores cantatoresque non conjugatos posse uxores ducere, cæteris vero in clerum admissis postea uxorem ducere nunquam licuit.

Qui vero conjugati ad sacerdotium admissi erant, uxores suas prætextu religionis abjicere nequaquam poterant, ut docet canon apostolicus; cumque in Niceno concilio proponeretur de presbiterorum jam ductis uxoribus abjiciendis, restitit Paphnucius ne legitimæ uxores pellerentur, cujus sententiam, cum 357 canone apostolorum de non abjiciendis uxoribus concordantem, omnes sunt secuti.

Cæterum in Niceno concilio nihil unquam propositum fuit, ut sacerdotes post sacerdotium uxores ducerent, quod jam ante sic erat prohibitum, ut siquis contrarium auderet, ducens postea uxorem, deponeretur a sacerdotio, ut supra dictum est; itaque Paphnucius de non abjiciendis jam ductis ante sacerdotium uxoribus, non autem deducendis post sacerdotium aperte locutus est.

Itaque neque canon aliquis apostolicus, neque Nicenum concilium quicquam habet ejusmodi ut in sacerdotium admissi, postea uxores ducant, sicut vos allegatis.

Hiis concordat sexta synodus in quâ sancitum est quod siquis e clero vellet uxorem ducere, ante subdiaconatum id faceret, postea nequaquam liceret, nec ulla usquam libertas sacerdotibus in sextâ sinodo datur post sacerdotium uxores ducendi, sicut vos asseritis.

Itaque a principio nascentis ecclesiæ, plane compertum est nullo unquam tempore licuisse sacerdoti post sacerdotium uxorem ducere; atque ubicumque id fuit attentatum, id non fuit impune, nam tantum nephas ausus deponebatur a sacerdotio.

Paulus apostolus inquit, de conjugibus loquens, *nolite fraudare invicem nisi forte ex consensu ad tempus, ut vacetis*

orationi. Hieronimus in Apologiâ ad Pammachium ait, *Paulus apostolus dicit, Quando coimus cum uxoribus nos orare non posse; si per coitum quod minus est impeditur, id est orare, quanto plus quod majus est, id est corpus Christi, prohibetur accipere:* idque late prosequitur exemplo panum propositionis, qui non dabantur nisi continentibus David et ministris, ut scribitur in libro Regum; panes enim propositionis, quasi corpus Christi, de uxorum cubilibus consurgentes edere non poterant, ut inquit Hieronimus, atque exemplo dationis legis veteris, ante cujus dationem filii Israel in Exodo triduo abstinere sunt jussi ab uxoribus.

Hieronimus etiam adversus Jovinianum inquit, *si laicus et quicunque fidelis orare non potest, nisi careat officio conjugali, sacerdoti cui semper pro populo offerenda sunt sacrificia, semper orandum est: si semper orandum est, semper ergo carendum matrimonio.* Idem asserit Ambrosius ample in Epistolâ ad Timotheum primâ, cum quo consentit Augustinus.

Paulus Timotheum discipulum in sacerdotali officio erudiens, admonet secularia negotia fugienda esse, inquiens, *Labora ut bonus miles Christi Jesu. Nemo militans implicat se negociis secularibus, ut ei placeat cui se probavit;* et si sacerdotes uxores acciperent, curis secularibus necesse est involvantur, nam teste Paulo, *qui cum uxore est, solicitus est quæ sunt mundi, quomodo placeat uxori; qui vero sine uxore est, solicitus est quæ Domini sunt, quomodo placeat Deo:* ideoque eundem ad cælibatum hortatur, quando ait, *Teipsum castum custodi,* nam castitas, ubi de conjugatis non fit sermo, cælibatus intelligitur, suum enim discipulum sui similem reddere cupiebat; et qui quodam in loco Corinthiis scribens, omnes homines hortatur ad continentiam, ait enim, *volo omnes homines esse sicut meipsum,* et rursus *dico non nuptis et viduis bonum est, si sic permanserint sicut et ego.* Alio in loco scribens eisdem, ministros ecclesiæ sui officii admonet, adhortans ne in vacuum gratiam Dei recipiant, et subdit, *Nemini dantes ullam offensionem, ut non vituperetur ministerium, sed in omnibus exhibeamus nosmetipsos sicut Dei ministros, etc. in vigiliis, in jeju-* 358
niis, in castitate, in scientiâ, in verbo veritatis. Quæ omnia ad ministros ecclesiæ pertinent quos castitatem maxime sectari convenit, ut impuri non appropinquent altaribus, a quibus
[fol. 224.] salaces omnino arceri decet: nam non nisi de sacerdotibus ea

intelligi possunt, quando scientia divinæ legis et populi institutio ad eos spectat, ut inquit Malachias, *Labia sacerdotis custodiunt scientiam et legem requirunt ex ore ejus.* Et Paulus Timotheum vult se exhibere operarium inconfusibilem, recte tractantem verbum veritatis, videlicet in doctrinâ populi; igitur sacerdotes Domini, qui se Deo jampridem dedicaverunt, qui se castraverunt propter regnum cœlorum, qui pro suis et populi peccatis orare assidue debent, quonam pacto, deserto cælibatus vexillifero Christo, novis nuptiis operam dare secularibusque molestiis quibus hæ scaturiunt se implicare decet? quid enim est ad aratrum manum mittere, retroque respicere exemplo uxoris Loth, si hoc non est? Cujusmodi homines non apto sesse regno Dei, Christus ipse pronunciat. Etenim si nemo potest uxori pariter et philosophiæ operam dare, ut mundana prudentia docet, quanto magis is qui se Deo dicavit, duobus dominis servire non poterit, nempe Deo pariter et mundo, quorum uterque totum hominem, non dimidiatum, ad se raptat?

Quanquam autem et conjugati et cælibes in initio ecclesiæ admittebantur ad sacerdotium, id tamen non ubique ita servabatur teste Hieronimo adversus Vigilantium, ubi inquit, *quid facient orientis ecclesiæ, quid Egypti, et sedis apostolicæ, quæ aut virgines clericos accipiunt, aut continentes, aut si uxores habuerint mariti esse desistunt?* Atque ad Pammachium Hieronimus inquit, *Christus virgo, virgo Maria, utriusque sexûs virginitatem dedicaverunt; apostoli vel virgines, vel post nuptias continentes, episcopi, presbiteri, diaconi, aut virgines eliguntur, aut vidui, aut certe post sacerdotium in æternum pudici, in morem ecclesiæ veterem, cujus author est haud dubie Paulus et scriptura ipsa.* Jam vero ubi Augustinum citatis, qui ait, *quidam nubentes post votum asserunt adulteros esse; ego dico vobis quod graviter peccant qui tales dividunt:* at ille ipse Augustinus asserit, lapsus et ruinas a castitate sanctiori quæ vovetur Deo, adulteriis esse pejores, neque statim legitimum est quicquid tollerat ecclesia.

Ciprianus quoque ipse quem citatis, in illâ ipsâ Epistolâ de virginibus quæ continentiam voverunt, ubi inquit, *si perseverare nolunt, vel non possunt, melius est ut nubant, quam ut in ignem deliciis suis ruant;* ex quo infertis talc votum non impedire matrimonium, longe aliud sentit; nam consultus a Pomponio sacerdote, quid sibi videretur de virginibus hiis, quæ cum

semel statum suum continenter et firmiter tenere decreverint, detectæ sunt postea in eodem lecto pariter mansisse cum masculis; eâ de re altius repetens sermonem, periculosamque esse virginum et masculorum cohabitacionem, confirmans per scripturas ac graves multorum ruinas ex hoc enatas, asserens generaliter de omnibus virginibus inquit, *Quod si ex fide Christo se dicaverint caste et pudice sine ullâ fabulâ perseverent, ita fortes et stabiles præmium virginitatis expectent; si autem perseverare nolunt, vel non possunt, melius est ut nubant, quam ut in ignem deliciis suis cadant, certe nullum fratribus aut sororibus scandalum faciant, cum scriptum sit, &c.*

Et paulo post infert, *Christus Dominus et Judex noster, cum virginem suam sibi dicatam et sanctitati suæ destinatam jacere cum altero cernat, quam indignatur et irascitur, et quas pœnas* 359 *incestis hujusmodi conjunctionibus comminatur!* deinde ad quæsitum respondens, jubet obstetrices adhiberi ut videatur an virgines illæ sint corruptæ, ubi inquit, *si autem aliquæ ex eis corruptæ fuerint deprehensæ, agant pœnitenciam plenam, quia quæ hoc crimen admisit, non mariti sed Christi adultera est, et ideo æstimato justo tempore et ex homologesi factâ, ad ecclesiam redeant; quod si obstinatæ perseverent, nec se abinvicem separant, sciant se cum hâc suâ impudicâ obstinatione nunquam a nobis admitti in ecclesiam posse, ne exemplis cæteris ad ruinam delictis suis facere incipiant.* Ecce quid sentit Ciprianus de votis ruptis; incestuosos et Christi adulteros hujusmodi flagitiosos appellat, et nisi separentur, nunquam admittit
[fol. 225.] in ecclesiam; quomodo ergo talia vota non impediant matrimonium, aut quis ad tale matrimonium quemquam hortari audebit, quod sine violatione voti et transgressione divini mandati, ideoque sine gravissimo scelere contrahi non possit? Atqui quod principes Germaniæ, scribitis, cum viderent multa flagitia de cælibatu sacerdotum provenire, matrimonia sacerdotibus libera permisisse, si meum, egregii oratores, consilium requisîssent vestri principes, priusquam tot sacerdotes apud vos ruptis vinculis ad nuptias convolâssent, an id consilii dedissem quod vestri principes arripuerunt, hæsito magnopere; nam si sacerdotes qui continere nollent, erumpere ad nuptias omnino voluissent, quanto satius forte fuisset, exemplo veterum deposuisse tales a sacerdotio, suæque de cætero conscientiæ quemquam reliquisse, ac deinde puriores altaribus admovisse, quam

libere omnia permittendo peccatis alienis auctores videri, atque eâ ratione aliena peccata nostra facere.

Veruntamen nos qui in alienâ republicâ curiosi nunquam fuimus nec esse voluimus, omnia principum vestrorum acta atque gesta in optimam partem interpretamur, non dubitantes, quin ad tollendos abusus omnes sincerus his animus, atque ad repurgandam Dei ecclesiam appositus non desit.

Porro nos qui in regno nostro Romani episcopi tirannidem profligare magnâ industriâ studuimus, et Christi gloriam sinceriter promovere, curabimus Deo propitio, quantum humano consilio fieri potest, ne quis abusus sive a Romano episcopo sive a quovis alio inductus non aboleatur, et si quos comperiemus tempori inservientes, fingentesque se odisse Romanum episcopum, atque in sermone simulare veritatem, quam corde non amplectuntur, ejusmodi viris consilia nostra de rebus sacris non communicabimus, nec eorum vel de sacris vel de prophanis expectabimus sententiam.

Quæ vero Christi puram atque sinceram doctrinam promovere, quæ Christi evangelium dilatare, quæ ad repurganda ecclesiæ Anglicanæ vicia tendere, quæ ad extirpandos abusus atque errores omnes spectare, quæ denique ecclesiæ candorem exornare posse videbuntur, ea totis viribus sectabimur, hiis studebimus hiis Deo volente imperpetuum incumbemus.

De articulis vero quos jam disseruimus maturius cum theologis nostris quamprimum vacabit agemus, atque ea demum statuemus quæ ad Christi gloriam ecclesiæque sponsæ ejus decorem conducére existimabimus.

Vobis autem, præstantissimi oratores qui tot labores terrâ marique perpessi estis, ut nos inviseretis, qui cum theologis nostris tamdiu contulistis, qui ob evangelii negotium a patriâ abfuistis multis mensibus, immensas atque innumeras habemus
360 gratias; nec miramur si dulcis amor patriæ, post diuturnam absentiam vestram, ad reditum vos invitat. Itaque post expleta principum vestrorum mandata, post absoluta in totum negotia vestra, si non gravabimini nos invisere, vester ad nos accessus admodum gratus erit, vosque in patriam non modo libenter dimittemus cum bonâ veniâ, sed ad principes etiam vestros, literas dabimus, summæ diligentiæ vestræ in exequendâ legatione testimonium perhibentes. Valete.

Number XII. [p. 255.] 182

Injunctions given by Thomas archbishop of Canterbury, to the parsons, vicars, and other curates in his visitation, kept (sede vacante) *within the diocese of Hereford,* anno Domini millesimo quingentesimo tricesimo octavo.

I.

[Regist. Cranm. fol. 96 b.] FIRST; That ye, and every one of you, shall, with all your diligence and faithful obedience, observe, and cause to be observed, all and singular the king's highness' injunctions, by his grace's commissaries given in such places as they in times past have visited.

II.

[fol. 97.] ITEM; That ye, and every one of you shall have, by the first day of August next coming, as well a whole Bible in Latin and English, or at the least a New Testament of both the same languages, as the copies of the king's highness' injunctions.

III.

ITEM; That ye shall every day study one chapter of the said Bible, or New Testament, conferring the Latin and English together, and to begin at the first part of the book, and so to continue until the end of the same.

IV.

ITEM; That ye, nor none of you, shall discourage any layman from the reading of the Bible in Latin or English, but encourage them to it, admonishing them that they so read it, for reformation of their own life, and knowledge of their duty; and that they be not bold or presumptuous in judging of matters afore they have perfect knowledge.

V.

ITEM; That ye, both in your preaching and secret confession, and all other works and doings, shall excite and move

your parishioners unto such works as are commanded expressly of God, for the which God shall demand of them a streyght reckoning: and all other works which men do of their own will or devotion, to teach your parishioners that they are not to be so highly esteemed as the other; and that for the not doing of them God will not ask any accompt.

VI.

ITEM; That ye, nor none of you, suffer no friar, or religious man, to have any cure or service within your churches or cures, except they be lawfully dispensed withal, or licensed by the ordinary.

VII.

ITEM; That ye, and every one of you, do not admit any young man or woman to receive the sacrament of the altar, which never received it before, until that he or she openly in the church, after mass, or even song, upon the holy-day, do recite, in the vulgar tongue, the *Pater Noster*, the Creed, and the Ten Commandments.

VIII.

ITEM; That ye, and every one of you, shall two times in a quarter declare to your parishioners the band of matrimony, and what great danger it is to all men that useth their bodies but with such persons as they lawfully may by the law of God.
183 And to exhort in the said times your parishioners, that they make no privy contracts, as they will avoid the extreme pain of the laws used within the king's realm, by his grace's authority [49].

[49] [These injunctions have been printed with two or three unimportant errors in the editions of Cranmer's works, and in Wilkins' Concilia, and elsewhere.]

Number XIII. [p. 256.]

A letter of Crumwell's to the bishop of Llandaff, directing him how to proceed in the reformation. An original.

Cotton lib. Cleop. E. iv. [fol. 7.]

AFTER my right hearty commendations to your lordship, ye shall herewith receive the king's highness' letters addressed unto you, to put you in remembrance of his highness' travail, and your duty touching orders to be taken for preaching, to the intent the people may be taught the truth, and yet not charged at the beginning with over-many novelties; the publication whereof, unless the same be tempered and qualified with much wisdom, do rather breed contention, division, and contrariety in opinion in the unlearned multitude, than either edify, or remove from them, and out of their hearts, such abuses as, by the corrupt and unsavoury teaching of the bishop of Rome and his disciples, have crept in the same. The effect of which letters albeit I doubt not, but as well for the honesty of the matter, as for your own discharge, ye will so consider and put in execution, as shall be to his grace's satisfaction in that behalf: yet forasmuch as it hath pleased his majesty to appoint and constitute me in the room and place of his supreme and principal minister, in all matters that may touch any thing his clergy, or their doings, I thought it also my part, for the exoneration of my duty towards his highness, and the rather to answer to his grace's expectation, opinion, and trust conceived in me, and in that amongst other committed to my fidelity, to desire and pray you, in such substantial sort and manner, to travail in the execution of the contents of his grace's said letters; namely, for avoiding of contrariety in preaching, of the pronunciation of novelties, without wise and discreet qualification, and the repression of the temerity of those, that either privily, or apertly, directly or indirectly, would advance the pretended authority of the bishop of Rome; as I be not for my discharge both enforced to complain further, and to declare what I have now written unto you for

that purpose, and so to charge you with your own fault, and to devise such remedy for the same, as shall appertain: desiring your lordship to accept my meaning herein, tending only to an honest, friendly, and Christian reformation, for avoiding of further inconvenience, and to think none unkindness, though in this matter, wherein it is almost more than time to speak, I write frankly, compelled and enforced thereunto, both in respect of my private duty, and otherwise, for my discharge; forasmuch as it pleaseth his majesty to use me in the lieu of a counsellor, whose office is as an eye to the prince, to foresee, and in time to provide remedy for such abuses, enormities, and inconveniences, as might else with a little sufferance engender more evil in his public weal, than could be after redoubled,
184 with much labour, study, diligence, and travail. And thus most heartily fare you well.

From the Rolls, the 7th of January.

Your lordship's friend,
Thomas Crumwell[50].

[50] [This document was carelessly compared with the original by Strype, who called attention to three alleged mistakes, but omitted to notice some others. None of them are of sufficient importance to be mentioned here; but the facts shew how little reliance can be placed on Strype's accuracy, even in a case where he was collating for the express purpose of detecting errors.]

Addenda, Number IX. [p. 256.]

A letter written by the king to his bishops, directing them how to instruct the people. An original.

By the king.

Henry R.

Cotton lib. Cleop. E. v. fol. 290.

RIGHT reverend father in God, right trusty and well-beloved, we greet you well:

And whereas for the virtue, learning and good qualities which we saw and perceived heretofore in you, judging you thereby a personage that would sincerely, devoutly, purely, and plainly set forth the word of God, and instruct our people in the truth of the same, after a simple and plain sort, for their better instruction, unity, quiet, and agreement in the points thereof, we advanced you to the room and office of a bishop within this our realm; and so endued you with great revenues and possessions; perceiving after, by the contrariety of preaching within this our realm, our said people were brought into a diversity of opinion, whereby there ensued contention amongst them; which was only engendered by a certain contemptuous manner of speaking, against honest, laudable, and tolerable ceremonies, usages, and customs of the church; we were enforced, by our sundry letters, to admonish and command you, amongst others, to preach God's word sincerely, to declare abuses plainly, and in no wise contentiously to treat of matters indifferent, which be neither necessary to our salvation, as the good and virtuous ceremonies of holy church, ne yet to be in any wise contemned and abrogated, for that they be incitements and motions to virtue, and allurements to devotion: all which our travail notwithstanding, so little regard was by some taken and adhibited to our advertisements therein, that we were constrained to put our own pen to the book, and to conceive certain articles, which were by all you the bishops and whole clergy of this our realm in convocation agreed on, as catholic, meet, and necessary to be by our

authority for avoiding of all contention set forth, read and taught to our subjects, to bring the same in unity, quietness, and good concord: supposing then that no person having authority under us, would either have presumed to have spoken any word, that might have offended the sentence and meaning of the same, or have been any thing remiss, slack, or negligent in the plain setting forth of them as they be conceived, so as by that mean of abstinence such quiet and unity should not grow thereupon as we desired and looked for of the same; and perceiving eft-soons, by credible report, that our labours, travail, and desire therein, is nevertheless defeated,
361 and in manner by general and contemptuous words spoken by sundry light and seditious persons, contemned and despised, so that by the abstinence of direct and plain setting forth of the said articles, and by the fond and contentious manner of speaking, that the said light personages do still use against the honest rites, customs, usages, and ceremonial things of the church, our people be much more offended than they were before; and in manner exclaim that we will suffer that injury at any man's hand, whereby they think both God, us, and our whole realm highly offended, insomuch as principally upon that ground, and for the reformation of those follies and abuses, they have made this commotion and insurrection, and have thereby grievously offended us, damaged themselves, and troubled many of our good subjects: we be now enforced, for our discharge towards God, and for the tender love and zeal we bear to the tranquillity and loving unity of our said people and subjects, again to readdress these our letters to all the bishops of our realm, and amongst other unto you, as a peremptory warning to admonish you, to demean and use yourself for the redobbying of these things as shall be heareafter declared, upon pain of deprivation from your bishopric, and further to be punished for your contempt, if you shall offend in the contrary, as justice shall require for your own trespass.

And first, we strictly charge and command you, that plainly and distinctly, without any additions, ye shall every holy-day, wheresoever ye shall be within your diocese, when ye may so do with your health and convenient commodity, openly, in your cathedral church, or the parish church of the place where ye shall fortune to be, read and declare our said articles; and

in no wise, in the rest of your words which ye shall then speak of yourself, if you speak any thing, utter any word that shall make the same, or any word in the same, doubtful to the people.

Secondly, We will and command you, That you shall in your person travel from place to place in all your diocese, as you may with your commodity, and endeavour yourself every holy-day to make a collation to the people, and in the same to set forth plainly the texts of scripture that you shall treat of; and with that also as well to declare the obedience due by God's laws to their prince and sovereign lord, against whose commandment they ought in no wise, though the same were unjust, to use any violence, as to commend and praise the honest ceremonies of the church as they be to be praised, in such plain and reverent sort, that the people may perceive they be not contemned, and yet learn how they were instituted, and how they ought to be observed and esteemed; using such a temperance therein, as our said people be not corrupted, by putting over-much affiance in them, which a part should more offend, than the clear silencing of the same, and that our people may therewith the better know their duties to us, being their king and sovereign lord.

Thirdly, We straitly charge and command you, That neither in your private communications you shall use any words that may sound to the contrary of this our commandment, ne you 362
shall keep or retain any man of any degree, that shall in his words privately, apertly, directly or indirectly, speak in those matters of the ceremonies, contentiously or contemptuously; but we will that in case ye have, or shall have towards you any such person that will not better temper his tongue, you shall, as an offender and a seductor of our people, send the same in sure custody to us and our council, to be punished as shall appertain; and semblably to do with other strangers whom ye shall hear to be notable offenders in that part.

Fourthly, Our pleasure and commandment is, That you shall on our behalf, give strait commandment upon like pain of deprivation and further punishment, to all parsons, vicars, curates, and governors of religious houses, colleges, and other places ecclesiastical within your diocese, that they and every of them shall, touching the indifferent praise of ceremonies, the

avoiding of contentious and contemptuous communication, concerning any of the same, and the distinct and plain reading of our said articles, observe and perform, in their churches, monasteries, and other houses ecclesiastical aforesaid, the very same order that is before to you prescribed. And further, that you permit nor suffer any man, of what degree soever he be in learning, stranger or other, to preach in any place within your said diocese out of his own church, by virtue of any license by us, or any other of our ministers, granted before the fifteenth day of this month, neither in your presence nor elsewhere, unless he be a man of such honesty, virtue, learning, and judgment, as you shall think able for that purpose, and one whom in manner you dare answer for.

Finally; Whereas we be advertised that divers priests have presumed to marry themselves, contrary to the custom of our church of England, our pleasure is, Ye shall make secret enquiry within your diocese whether there be any such resiant within the same or not: and in case ye shall find that there be any priests that have so presumed to marry themselves, and have sithence nevertheless used and exercised in any thing the office of priesthood, we charge you, as ye will answer upon the pains aforesaid, not to conceal their doings therein, but rather to signify their demeanour to our council, or to cause them to be apprehended, and so sent up unto us accordingly.

Given under our signet at our castle of Windsor, the 19th day of November, in the 28th year of our reign.

Addenda, Number X. [p. 258.] 363

Tunstall's arguments for the divine institution of auricular confession; with some notes written on the margin[51] *by king Henry's own hand. An original.*

Quod confessio auricularis sit de jure divino.

Cotton lib. Cleop. E. v. fol. 125.

PROBARI videtur ex illo loco Matthæi 3. ubi Johanne Baptistâ in deserto prædicante pœnitentiam, exibat ad eum Hierosolima et omnis Judæa, et baptizabantur ab eo in Jordane confitentes peccata sua; quem locum Chrysostomus ita exponit, inquiens, Confessio peccatorum est testimonium conscientiæ timentis Deum. Qui enim timet judicium Dei, peccata sua non erubescat confiteri; qui autem erubescit non timet, perfectus enim timor solvit omnem pudorem; illic enim turpitudo confessionis aspicitur, ubi futuri judicii pœna non creditur. Nunquid nescimus quia confessio peccatorum habet pudorem, et quia hoc ipsum erubescere pœna est gravis. Sed ideo magis non jubet Deus confiteri peccata nostra, ut verecundiam patiamur pro pœnâ? nam et hoc ipsum pars est judicii, O misericordia Dei! quem totiens ad iracundiam excitavimus. Sufficit ei[52] solus pudor pro pœnâ.

Si verecundia pro pœnâ est apud Deum, ea autem non contingit ex confessione factâ soli Deo, nam[53] nemo rationis compos ignorat etiam absque confessione Deum peccata nostra scire, de confessione factâ homini necesse est intelligatur. Præterea ipsa verba demonstrant quod Johanni Baptistæ confessi sunt peccata sua, nam dixit eis, *facite ergo fructum dignum pœnitentiâ*, quod apte dicere non poterat, nisi pœnitentes eos ex confessione sibi factâ rescivisset.

Beda, Marci 1.

Et baptizabantur ab illo in Jordane flumine, confitentes peccata sua. Exemplum[54] confitendi peccata ac meliorem

[51] [These notes are placed at the foot of the page.]

[52] Nota bene de solo pudore.

[53] Fallax.

[54] Exemplum dicit, non præceptum.

vitam promittendi datur eis, qui baptisma accipere desiderant, sicut etiam prædicante Paulo[55] in Epheso multi credentium veniebant, confitentes et annunciantes actus suos, quatenus abdicatâ vitâ veteri, renovari mererentur in Christo.

Scribitur[56] quoque in evangelio Joannis 21. *Quorum remiseritis peccata, remittuntur eis et quorum retinueritis, retenta sunt:* et Matthæi 18. *Quæcunque ligaveritis super terram, erunt ligata in cœlo, et quæcunque solveritis super terram, erunt soluta in cœlo.* Remittere autem aut solvere nemo potest id quod ignorat; occulta autem peccata nemo præter peccantem novit nisi solus Deus; quare nisi peccata aperiantur sacerdoti, nec ea ligare nec solvere posset. Et[57] quemadmodum sacratissima tua majestas, si commissionem aliquibus dedisset audiendi et terminandi negocium aliquod, non possent judices rem ignorantes nisi negocio coram eis patefacto causam finire, videlicet propter culpam litigatorum non comparentium coram eis; sic nec sacerdotes ligare et solvere possunt peccata [fol. 126.] quæ ignorant. Itaque cum Deus sacerdotem velut medicum spiritualem ecclesiæ dederit, siquis eum sua vulnera celat, ipse suâ culpâ perit, cum tamen de salute suâ deberet esse solicitus, sicut Paulus ad Phil. 2. admonet, inquiens, *Cum metu et tremore salutem vestram operamini.*

364 *Origenes in Levit. Homelia 2. loquens*[58] *de remissionibus peccatorum.*

Est adhuc et septima, licet dura et laboriosa, per pœnitentiam remissio peccatorum, cum lavat peccator lachrymis stratum suum, et fiunt ei lachrymæ suæ panis die ac nocte, et cum non erubescit sacerdoti Domini indicare peccatum suum, et quærere medicinam secundum eum qui ait, *Dixi*[59] *pronunciabo adversum me injusticiam meam Domino, et tu remisisti impietatem cordis mei,* in quo impletur et illud quod Jacobus apostolus dicit, *Siquis autem infirmatur, vocet presbyteros ecclesiæ, et imponant ei manus ungentes*[60] *eum oleo in*

[55] Non præcepto.

[56] Huic sic respondendum est. Absolutio datur in remedium peccatorum, petentibus tantum, nam si non petiero.

[57] Exemplum bene declarat rem, sed non perite positum.

[58] De suâ opinione loquens.

[59] Male sentit qui abutitur scripturâ.

[60] Nunquam is modus unctionis in confessione utebatur.

nomine Domini, et oratio fidei salvabit infirmum, et si in peccatis fuerit, remittentur ei.

Origenes, Homelia 2. in Psal. 37.

Intellige mihi fidelem quidem hominem sed tamen infirmum, qui etiam vinci ab aliquo peccato potuit, et propter hoc mugientem pro delictis suis et omni modo curam vulneris sui sanitatemque requirentem, licet præventus sit et lapsus, volentem tamen medelam ac salutem reparare; si ergo hujusmodi homo memor delicti sui[61], confiteatur quæ commisit, et humanâ confusione parvi pendat eos, qui exprobrant eum confitentem, et notant vel irrident, ille autem intelligens per hoc veniam sibi dari, et in die resurrectionis pro his quibus nunc confunditur coram hominibus, tunc ante angelos Dei confusionem atque opprobria evasurum, ut nolit tegere et occultare maculam suam, sed pronunciet delictum suum, nec velit esse sepulchrum dealbatum, quod deforis quidem appareat hominibus speciosum, id est ut videntibus se quasi justus appareat, intus autem sit repletus omni immunditiâ et ossibus mortuorum.

Et paulo post,

Quoniam iniquitatem meam pronuncio. Pronunciationem iniquitatis, id est, confessionem peccati, frequentius diximus, vide ergo quid edocet nos scriptura divina, quia oportet peccatum non celare intrinsecus; fortassis enim sicut ii qui habent intus inclusam escam indigestam, aut humoris, vel phlegmatis stomacho graviter et moleste imminentia[62] si vomuerint relevantur, ita etiam hi qui peccârunt, si quidem occultant et retinent intra se peccatum intrinsecus urgentur, et propemodum suffocantur a phlegmate vel humore peccati: si autem ipse sui
[fol. 127.] accusator fiat, dum accusat semetipsum, et confitetur, simul evomit et delictum, atque omnem morbi digerit causam. Tantummodo circumspice diligentius cui debeas confiteri peccatum tuum. Proba prius medicum cui debeas causam languoris exponere, qui sciat infirmari cum infirmante, flere cum flente, qui condolendi et compatiendi noverit disciplinam, ut ita demum siquid ille dixerit, qui se prius et eruditum medicum ostenderit et misericordem, siquid consilii dederit, facias et sequaris, si

[61] Non ait, necesse est ut confiteantur; jam de contemptu loquitur.

[62] [This is the reading of the MS. which the author altered into *imminentem* to suit the sense.]

intellexerit et præviderit talem esse languorem tuum, qui in conventu totius ecclesiæ exponi debeat et curari, ex quo fortassis et cæteri ædificari poterunt, et tu ipse facile sanari, multa hâc deliberatione et satis perito medici illius consilio procurandum est.

365 *Cyprianus in Sermone de Lapsis.*

Denique[63] quando et fide majore et timore meliore sunt, qui quamvis nullo sacrificii aut libelli facinore constricti, quoniam tamen de hoc vel cogitaverunt, hoc ipsum apud sacerdotes Dei dolenter et simpliciter confitentur, exomologesin conscientiæ faciunt, animi sui pondus exponunt, salutarem medelam parvis licet et modicis vulneribus exquirunt, scientes scriptum esse, *Deus non deridetur;* derideri et circumveniri Deus non potest, nec astutiâ aliquâ fallente deludi: plus imo delinquit qui secundum hominem Deum cogitans evadere se pœnam criminis credit, si non palam crimen admisit. Christus in præceptis suis dicit, qui confusus me fuerit, confundet eum filius hominis, et Christianum se putat qui Christianus esse aut confunditur aut veretur? Quomodo potest esse cum Christo qui ad Christum pertinere aut erubescit aut metuit? Minus plane peccaverit non videndo idola, nec sub oculis circumstantis atque insultantis populi sanctitatem fidei prophanando, non polluendo manus suas funestis sacrificiis, nec sceleratis cibis ora maculando; hoc eo proficit ut sit minor culpa, non ut innocens conscientia: facilius potest ad veniam criminis pervenire, non est tamen immunis a crimine, nec esset in agendâ pœnitentiâ, atque in Domini misericordiâ deprecandâ, ne quod minus esse in qualitate delicti videtur, in neglectâ satisfactione cumuletur. Confitcantur singuli, quæso[64] vos fratres, delictum suum, dum adhuc qui deliquit in sæculo est, dum admitti confessio ejus potest, dum satisfactio et remissio facta per sacerdotes apud Dominum grata est; convertamur ad Dominum mente totâ, et pœnitentiam criminis veris doloribus exprimentes, Dei misericordiam deprecemur. Illi se anima prosternat, illi mœstitia satisfaciat, illi spes omnis incumbat; rogare qualiter debeamus dicit ipse, Revertimini, inquit, ad me ex toto corde vestro, simulque et

[63] Fatetur Cyprianus, confessionem auricularem nobis non plus præcipi quam virginitatem.

[64] Si præceptum haberet, non persuaderet.

jejunio, et fletu, et planctu, et scindite corda vestra et non vestimenta.

Præterea Esaias[65] peccatorem admonet cap. 43. secundum septuaginta inquiens, *Dic tu prior iniquitates tuas ut justificeris;* et Solomon, Proverbiorum 18. ait, *Justus prior est accusator sui,* atque ideo ne Satan nos in judicio coram omnibus accuset, nos illum in hâc vitâ, per priorem confessionem delicti nostri factam, aliis prævenire debemus, nam Deum prævenire in nostri accusatione nequimus, qui omnia facta nostra jam novit, imo vero antequam fierent ea præscivit; quare confessio illa necesse est, intelligatur, de extrariâ confessione factâ Dei ministro qui id ignoravit, nam Deum nihil unquam latuit, non modo jam factum, sed ne futurum quidem quicquam.

Circa[66] personas vero ministrorum quibus fieri deberet confessio, atque circa tempora ecclesiæ nonnunquam aliquid immutârunt, et varie pro regionibus statuerunt.

Et ne tuam solicitudinem, sacratissima majestas, circa publicam regni tui tranquillitatem stabiliendam sanctissime occupatam, longâ multorum lectione, quæ præter ista afferre possem, remorari videar, plura adjungere supersedebo, illud tantummodo precatus, ut meam hanc scribendi temeritatem boni consulat, quam ego totam perspicacissimo atque eruditissimo majestatis tuæ judicio consyderandam pensitandamque committo. Atque ita felicissime valeat sacratissima tua majestas cujus regnum et prosperrimum et in sæculum diuturnum nobis fore precamur.

[65] Hi omnes suadent, sed non præcipiunt.

[66] Cum nec cui nec tempora designantur, non firmum præceptum datur.

366 Addenda, Number XI. [p. 258.]

A letter of king Henry's to Tunstall, bishop of Durham, against auricular confession being of divine institution. An original, in the king's hand.

SINCE methought (my lord of Durham) that both the bishops of York, Winchester, and your reasons and texts were so fully answered this other day, in our house, as to my seeming and supposal, the most of the house was satisfied; I marvelled not a little why eft-soons you have sent to me this now your writing, being in a manner few other texts or reasons than there were declared both by the bishop of Canterbury and me, to make smally or nothing to your intended purpose. But other I esteem that you do it to prove my simple judgment alone, which indeed doth not much use, (though not the wisest) to call in aid, the judgments of other learned men, and so by mine ignorant answer, seem to win the field; or else that you be too much blinded in your own fancy and judgment, to think that a truth, which by learning you have not yet proved, nor I fear me cannot by scripture, nor any other director's probable ground[67], though I know mine unsufficiency in learning, if the matter were indifferent, and that the balance stood equal, since I take the verity of the cause rather to favorize the part I take than yours, it giveth me therefore great boldness not presuming in learning, but in justness of the cause, seeing by writing you have provoked me to it, to make answer to your arguments. Therefore I beginning now to reply to your first allegation, shall essay to prove, if I can, that your own author in place by you alleged, maketh plain against your opinion; for as you allege him, St. Chrysostom saith, *Quod sufficit solus pudor pro pœnâ*, then *auricularis confessio* is not by commandment necessary; for if it were, this word *solus* is by your author ill set; therefore your author in this

Cotton lib. Cleop. E. v. [fol. 123.]

[67] For *directors probable* read *direct and probable.* [S.] [The original transcriber copied the manuscript correctly. Strype's emendation is therefore only a conjecture. If the king made a mistake in writing, the words probably were intended to be *direct or probable.*]

place furthereth you but little. To your *fallax* argument, I deny your consequent, founded only upon small reason, which is the ground of your *fallax* argument: which reason I need not to take away, for your alleged author doth shew too plainly, in his 5. Homily, *tomo* 5. that you gather a wrong sense upon his words, for he saith, with much more touching this matter, these few words, *Non hominibus peccata tua detegere cogo;* then his other text before rehearsed, is not to be understood as you would wring it. Further, methinketh I need not (God thank you) too greatly study for authors to conclude your wrong taking of texts, for those yourself allege serveth me well to purpose: for all your labour is to prove that auricular confession were by God commanded, and both your authorities of Bede and Pole, sheweth nothing but that they did confess their sins, and yet do not they affirm that it was by commandment; wherefore they make for mine argument and not for yours. Your other texts of John 21. and Matthew 18. were so throughly answered this other day, and so manifestly declared not to appertain to our grounded argument, that I marvel you be not ashamed eft-soons to put them in writing, and to found your argument now so fondly on them; for what fonder argument can be made to prove thereby a necessity of confession, than to say, If you confess not, I cannot forgive? Would a thief which committeth felony, think 367
himself obliged by the law to disclose his felony, if the law say no more, but if thou confess not I cannot forgive thee? or would he trust the sooner therefore to be forgiven? This is matter so apparent, that none can but perceive except he would not see. As touching Origen's places by you alleged; as the first, *in Leviticum*, sheweth that we be as much bound *lavare stratum lacrymis*, as *dicere sacerdoti*, which no man, I think, will affirm that we be bound to do; and yet he affirmeth not that any of them is commanded: the text also whereby he would approve his so saying, doth not yet speak *quod pronunciabo injusticiam meam sacerdoti*, but *Domino:* the other of James seemeth better to make for extreme unction, than for confession; for when was ever the use, that folk coming only to confession, were wont to be anointed with oil; therefore these make nothing to your argument. As touching Origen in Psal. 37. he saith not *quod obligamur dicere sacerdoti*, but

si confiteantur; and seemeth rather to persuade men that they should not *parvi pendere confessionem,* (as all good folk would) than that they were obliged to confess them to a priest. Though Ciprian *de Lapsis,* doth praise them which doth confess their faults to priests, yet doth he confess that we be not bound to do so; for he saith in the highest of his praise these words, *How much be they then higher in faith, and better in fear of God, which though they be not bound by any deed of sacrifice, or book, yet be they content sorrowfully to confess them to the priest.* Since he knowledgeth no bond in us by [fol. 124.] neither fact of sacrifice or libel, why allege you (though he praise auricular confession) that we should be bound by God's law thereto? This is no proof thereof, nother by reason nor by scripture, or any good authority. And whereas he saith further, *Confiteantur singuli, quæso vos fratres, delictum suum;* this doth not argue a precept; nor yet the saying of Esay, cap. 43. *secundum Septuaginta;* nor Solomon in the *Proverbiorum* 18. For these speak rather of knowledging our offence to God in our heart, than of auricular confession; after David the prophet's saying and teaching, when he said, *Tibi soli peccavi,* that was not to a priest. By the text also which you allege, beginning, *circa personas vero ministrorum,* etc. you do openly confess that the church hath not accepted auricular confession to be by God's commandment; or else by your saying and allegation, they have long erred; for you confess that the church hath divers times changed, both to whom confession shall be made, and times when; and that also they have changed divers ways for divers regions. If it were by God's commandment they might not do this: wherefore, my lord, since I hear no other allegations, I pray you blame not me though I be not of your opinion; and of the both, I think that I have more cause to think you obstinate, than you me, seeing your authors and allegations make so little to your purpose. And thus fare you well.

Addenda, Number XII. [p. 262.] 368

A definition of the church, corrected in the margin by king Henry's own hand. An original.

De ecclesiâ.

Cotton lib. Cleop. E. v. [fol. 1.]

ECCLESIA præter alias acceptiones in scripturis duas habet præcipuas: unam, quâ ecclesia accipitur pro congregatione sanctorum et vere fidelium qui Christo capiti vere credunt, et sanctificantur Spiritu ejus. Hæc autem una est, et vere sanctum corpus Christi sed soli Deo cognitum[68], qui hominum corda solus intuetur. Altera acceptio est, quâ ecclesia accipitur pro congregatione omnium hominum qui baptizati sunt in Christo, et non palam abnegârint Christum, nec sunt[69] excommunicati[70]: quæ ecclesiæ acceptio congruit ejus statui in hâc vitâ duntaxat, ubi habet malos bonis simul admixtos[71], et debet esse cognita per verbum et legitimum usum sacramentorum ut possit audiri; sicut docet Christus, *qui ecclesiam non audierit.* Porro ad veram unitatem ecclesiæ, requiritur ut sit consensus in rectâ doctrinâ fidei et administratione sacramentorum.

Traditiones vero et ritus atque cæremoniæ quæ vel ad decorem, vel ordinem, vel disciplinam ecclesiæ ab hominibus sunt institutæ, non omnino necesse est, ut eædem sint ubique aut prorsus similes: hæ enim et variæ fuere et variari possunt[72] pro regionum atque morum diversitate ac commodo[73], sic tamen ut sint consentientes verbo Dei: et quamvis in ecclesiâ secundum posteriorem acceptionem mali sint bonis admixti, atque etiam ministeriis verbi et sacramentorum nonnunquam præsint, tamen cum ministrent non suo sed Christi nomine, mandato et

[68] Sponsa Christi cognita.

[69] Juste.

[70] Aut obstinati.

[71] Et cognitio hujus ecclesiæ pervenit per usum verbi et sacramentorum, acceptione, perfectâ, unitate, ac unanimi consensu acceptatâ.

[72] Modo rectoribus placeant quibus semper obtemperandum est, sic tamen ut eorum jussio atque lex verbo Dei non adversetur.

[73] Ista est ecclesia nostra chatholica et apostolica, cum quâ nec pontifex Romanus, nec quivis aliquis prælatus aut pontifex, habet quicquam agere præterquam in suas dioceses.

auctoritate, licet eorum ministerio uti tam in verbo audiendo quam recipiendis sacramentis, juxta illud, *qui vos audit me audit;* nec per eorum maliciam imminuitur effectus aut gratia donorum Christi rite accipientibus. Sunt enim efficacia propter promissionem et ordinationem Christi etiamsi per malos exhibeantur[74].

[74] [The king's handwriting in all these papers is very difficult to read; and the original edition had several mistakes, some of which were corrected by Strype, and most of the corrections admitted into the folio edition of 1715, which contains, however, in these papers an immense number of misprints. The difficulty of reading is materially increased by the king's bad spelling and very imperfect acquaintance with Latin. The present editor has printed the letter, as well as the marginal notes to the other papers, as exactly as he could, with all their errors of orthography and syntax, and hopes he has produced a tolerably correct representation of the original. In the reference to the 18th chapters of Proverbs and S. Matthew, in the previous number, Henry appeared to have written 10 for 18, and so it has been printed in all the editions; but the editor is inclined to think that the same figure occurring twice, proves that the king did not mistake the chapter, but only wrote it illegibly.]

Number XIV. [p. 267.]

The commission by which Bonner held his bishopric of the king[74].

Licentia regia concessa domino episcopo ad exercendum jurisdictionem episcopalem.

Regist. Bonner. fol. primo.

HENRICUS Octavus, Dei gratiâ Angliæ et Franciæ rex, fidei defensor, dominus Hiberniæ, et in terrâ supremum ecclesiæ

[74] [On the remarks made by the author in the text of the history, p. 267, on this commission, Wharton has the following observations:

'When the historian wrote this, surely he little thought that he should publish, in the second part of his history, a like commission, taken from king Edward VI. by Cranmer. For whosoever compareth the two commissions will find that they are not only alike, but the very same *mutatis mutandis*, only with this difference, (as the historian himself, forgetting what he had here wrote, is forced to own,) that there is no mention made of a vicar-general in the commission of Edward VI. to Cranmer, as was in that of Henry VIII. to Bonner, there being none after Cromwell advanced to that dignity. Now it is very injurious to the memory of Cranmer, first, to represent this action of Bonner as a vile unworthy compliance, and then afterwards to say that Cranmer did the same thing. For what difference is there between taking such a commission from king Henry, and taking the like from king Edward; unless it be that it seemeth more colourable to take it from a man than from a child. Nor can any excuse be raised from the necessity imposed by the act of parliament, made 1547, December 20th, of which an account is given afterwards. For Cranmer had taken out his commission on the 7th of February preceding. But neither is it true that Cranmer did not take such a commission from king Henry VIII. For the order of council related by the historian to have been made in the beginning of the reign of king Edward VI., plainly implieth the contrary, requiring the bishops to take out new commissions of the same form with those they had taken out in king Henry's time; in obedience to which order Cranmer took out his commission before mentioned. If no such commission taken by Cranmer from king Henry be now found in his register, it doth not from thence follow that none was taken by him. For his register is imperfect in many places. Indeed he took out such a commission from king Henry long before Bonner. For in the collections of Dr. Yale, who could not but know the truth herein, having been in the time of Cranmer an eminent advocate in Doctors' Commons, and afterwards principal registrary and vicar-general to archbishop Parker, I find a transcript of this commission agreeing exactly with that of Bonner, published by the historian *mutatis*

Anglicanæ sub Christo caput, reverendo in Christo patri Edmundo Londoniensi episcopo salutem.

Quandoquidem omnis jurisdicendi auctoritas, atque etiam jurisdictio omnimoda, tam illa quæ ecclesiastica dicitur quam sæcularis, a regiâ potestate velut a supremo capite, et omnium infra regnum nostrum magistratuum, fonte et scaturigine, primitus emanavit, sane illos qui jurisdictionem hujusmodi antehac non nisi precario fungebantur, beneficium hujusmodi sic eis ex liberalitate regiâ indultum gratis animis agnoscere, idque regiæ munificenciæ solummodo acceptum referre, eique, quotiens ejus majestati videbitur, libenter concedere convenit.

Quum itaque nos prædilectum consiliarium nostrum Thomam Crumwell nobilis ordinis Garterii militem, dominum Crumwell et de Wymolden, nostri privati sigilli custodem, nostrumque ad quascunque causas ecclesiasticas nostrâ authoritate, uti supremi capitis dictæ ecclesiæ Anglicanæ, quomodolibet tractandum sive ventilandum vicemgerentem, vicarium generalem et officialem principalem, per alias literas patentes sigillo nostro majori communitas, constituerimus et præfecerimus; Quia tamen ipse Thomas Crumwell nostris et hujus regni Angliæ tot et tam arduis negociis adeo præpeditus existit, quod ad omnem jurisdictionem nobis, uti supremo capiti hujusmodi competentem, ubique locorum infra hoc regnum nostrum præfatum, in hiis quæ moram commode non patiuntur aut sine nostrorum subditorum injuriâ differri non possunt, in suâ personâ expediendum non sufficiet, nos tuis in hâc parte supplicationibus humilibus inclinati, et nostrorum subditorum commodis consulere cupientes, tibi vices nostras sub modo et formâ inferius descriptis committendas fore, teque licenciandum esse decernimus. Ad ordinandum igitur quoscunque infra diocesim tuam Londoniensem ubicunque oriundos, quos moribus et literaturâ prævio diligenti et rigoroso examine idoneos fore compereris, ad omnes etiam sacros et presbiteratûs ordines promovendum, præsentatosque ad beneficia ecclesiastica quæcunque infra diocesim tuam Lon-

mutandis; and this note subjoined. *Tales licentias acceperunt Thomas archiepiscopus Cantuariensis mense Octobri,* 1535, *Edwardus archiepiscopus Eboracensis, Johannes episcopus Lincolniensis* 13 *Octobr.* 1535, *Johannes episcopus London.,* 19 *Oct.* 1535, *Stephanus episcopus Wintoniensis eodem anno, Cuthbertus episcopus Dunelmensis,* 10 *Novemb.* 1535, *&c.*' Specimen of Errors, p. 51.]

doniensem constituta, si ad curam beneficiis hujusmodi imminentem sustinendum habiles reperti fuerint et idonei, admittendum, ac in et de eiisdem instituendum et investiendum; ac etiam si res ita exigat destituendum, beneficiaque ecclesiastica 185
quæcunque ad tuam collationem sive dispositionem spectantia et pertinentia personis idoneis conferendum, atque approbandum testamenta et ultimas voluntates quorumcunque tuæ dioceseos, bona, jura, sive credita non ultra summam centum librarum in bonis suis vitæ et mortis suarum temporibus habentium necnon administraciones quorumcunque subditorum nostrorum tuæ dioceseos ab intestato decedentium quorum bona, jura, sive credita non ultra summam prædictam vitæ et mortis suarum temporibus sese extendent, quatenus hujusmodi testatorum approbacio atque administracionis commissio sive concessio per prædecessores tuos aut eorum alicujus respective cõmissarios retroactis temporibus fiebat ac fieri et committi potuit, et non aliter, committendum, calculumque ratiocinium et alia in eâ parte expedienda, causasque lites et negotia coram te aut tuis deputatis pendentia indecisa necnon alias sive alia, quascunque sive quæcunque ad forum ecclesiasticum pertinentia ad te aut tuos deputatos sive deputandos per viam querelæ aut appellacionis sive ex officio devolvenda sive deducenda quæ extra legum nostrarum et statutorum regni nostri offensionem coram te aut tuis deputatis agitari, aut ad tuam sive alicujus commissariorum per te vigore hujus commissionis nostræ deputandorum cognitionem devolvi aut deduci valeant et possint, examinandum et decidendum.

Ad visitandum insuper capitulum ecclesiæ tuæ cathedralis Londoniensem civitatemque Londoniensem necnon omnia et singula monasteria, abbacias et prioratus, collegia et alia loca pia, tam religiosa quam hospitalia, quæcunque clerumque et populum dictæ dioceseos Londoniensis quatenus ecclesiæ, monasterii, abbaciæ, per te sive predecessores tuos Londonienses episcopos visitatio hujusmodi temporibus retroactis exerceri potuit, aĉ per te sive per eosdem de legibus et statutis ac juribus regni nostri exerceri potuit et potest, et non aliter: necnon ad inquirendum per te, vel alium seu alios ad id per te deputandum sive deputandos, tam ex officio mero mixto quam promoto super quorumcunque excessibus, criminibus seu delictis quibuscunque ad forum ecclesiasticum spectantibus infra diocesim Londonien-

sem ac delinquentes sive criminosos, juxta comperta per te in eâ parte per licita juris remedia pro modo culpæ, prout natura et qualitas delicti poposcerit, cohercendum et puniendum, cæteraque omnia et singula in præmissis seu aliquo præmissorum, aut circa ea necessaria seu quomodolibet oportuna, ac alia quæcunque autoritatem et jurisdictionem episcopalem quovismodo respicientia et concernentia præter et ultra ea quæ tibi ex sacris literis divinitus commissa esse dinoscantur, vice, nomine, et autoritate nostris exequendum, tibi, de cujus sanâ doctrinâ, conscientiæ puritate, vitæque et morum integritate, ac in rebus gerendis fide et industriâ plurimum confidimus, vices nostras cum potestate alium vel alios, commissarium vel commissarios, ad præmissa seu eorum aliqua surrogandi et substituendi, eosdemque ad placitum revocandi tenore præsentium committimus, ac liberam facultatem concedimus; teque licentiam per præsentes ad nostrum bene placitum duntaxat duraturas cum cujuslibet congruæ et ecclesiasticæ cohercionis potestate quâcunque inhibitione in te datam præsentium emanatâ in aliquo non obstante tuam conscientiam coram Deo strictissime onerantes, et ut summo omnium judici aliquando rationem reddere, et coram nobis tuo sub periculo corporali respondere intendis: te admonentes ut interim tuum officium juxta evangelii normam pie et sancte exercere studeas, et ne quem ullo tempore unquam
186 vel ad sacros ordines promoveas, vel ad curam animarum gerendum quovis modo admittas, nisi eos duntaxat quos ad tanti et tam venerabilis officii functionem vitæ et morum integritas certissimis testimoniis approbata, literarum scientiæ et aliæ qualitates requisitæ ad hoc habiles et idoneos clare et luculenter ostenderint et declaraverint. Nam ut maxime compertum cognitumque habemus morum omnium, et maxime Christianæ religionis corruptelam a malis pastoribus in populum emanâsse, sic ut veram Christi religionem, vitæque et morum emendationem a bonis pastoribus iterum delectis et assumptis in integrum restitutam iri haud dubie speramus. In cujus rei testimonium præsentes literas nostras inde fieri, et sigilli nostri quo ad causas ecclesiasticas utimur appensione jussimus communiri. Dat. duodecimo die mensis Novembris anno Domini millesimo quingentesimo XXXIX^{no}, et regni nostri anno tricesimo primo.

Number XV. [p. 270.]

The king's letters patents for printing the Bible in English.

[*De Bibliis in Vulgari Edendis ex Supervisione Domini de Crumwell.*]

Rot. Pat. 31 Hen. 8. [p. 4. m. 15. ap. Rymer, xiv. 649.]

HENRY THE EIGHTH, &c. To all and singular printers and sellers of books within this our realm, and to all other officers, ministers, and subjects, these our letters hearing or seeing, greeting.

We let you wit, that being desirous to have our people at times convenient, give themselves *to the attaining of the knowledge of God's word*, whereby they shall the better honour him, and observe and keep his commandments; and also do their duties the better to US, being their prince and sovereign lord.

And considering that as this our zeal and desire cannot by any mean take so good effect, as by the granting to them *the free and liberal use of the Bible in our own maternal English tongue:* so unless it be foreseen that the same pass at the beginning by one translation to be perused and considered; the frailty of men is such, that the diversity thereof may breed and bring forth manifold inconveniences; as when wilful and heady folk shall confer upon the diversity of the said translations.

We have therefore appointed our right trusty and well-beloved counsellor, the lord Crumwell, keeper of our privy seal, to take for us, and in our name, special care and charge, that no manner of person, or persons, within this our realm, shall enterprise, attempt, or set in hand to print any Bible in the English tongue of any manner of volume, during the space of five years next ensuing after the date hereof, but only all such as shall be deputed, assigned, and admitted by the said lord Crumwell.

Willing and commanding all mayors, sheriffs, bailiffs, constables, and all other our officers, ministers, and subjects, to be aiding to our said *counsellor* in the execution of this our pleasure, and to be conformable in the accomplishment of the same as shall appertain. In witness whereof, &c. Witness our self at *Westminster* the fourteenth day of November.

Per ipsum Regem.

187 Number XVI. [p. 278.]

The attainder of Thomas Cromwell.

ITEM quædam alia petitio, formam cujusdam actûs attincturæ in se continens, exhibita est suæ regiæ majestati in parlamento prædicto, cujus tenor sequitur in hæc verba.

IN THEIR MOST humble wise shewing to your most royal majesty, the lords spiritual and temporal, and all your most loving and obedient subjects, the commons in this your most high court of parliament assembled; That where your most royal majesty, our natural sovereign lord, is justly, lawfully, and really entitled to be our sole supreme head and governor, of this your realm of England, and of the dominions of the same; To whom, and to none other under God, the kingly direction, order, and governance of your most loving and obedient subjects, and people of this your realm, only appertaineth and belongeth. And the which your most loving and obedient subjects, your highness prudently and quietly, without any manner of disturbance by a long time most graciously hath preserved, sustained and defended: and your highness, for the quietness, wealth, and tranquillity of your said humble and obedient subjects, hath made, and ordained, divers and many most godly, virtuous and wholesome laws; and for due execution of the same, hath not desisted to travail in your own most royal person, to support and maintain, as well the laws of Almighty God, as the laws by your highness made and ordained, by due and condign execution of the same laws upon transgressors offending contrary to the same: and your majesty hath always most virtuously studied and laboured, by all ways and means, to and for the setting forth thereof, in such wise as it might be most to the honour, glory, and pleasure of Almighty God; and for the common accord and wealth of this your realm, and other your dominions: and for the true execution of the same, hath elected, chosen and made divers, as well of your nobles as other, to be of your most honourable

Parliament Rolls. Act 6o. anno regni tricesimo secundo.

council, as to the honour of a noble prince appertaineth. And where your majesty hath had a special trust and confidence in your said most trusty counsellors, that the same your counsellors, and every of them, had minded, intended, and fully purposed to have followed and pursued your most godly and princely purpose, as of truth the more number of them hath most faithfully done; Yet nevertheless Thomas Crumwell, now earl of Essex, whom your majesty took and received into your trusty service, the same Thomas then being a man of very base and low degree, and for singular favour, trust and confidence, which your majesty bare and had in him, did not only erect and advance the same Thomas unto the estate of an earl, and enriched him with manifold gifts, as well of goods, as of lands and offices, but also him, the same Thomas Crumwell, earl of Essex, did elect and make one of your most trusty counsellors, as well concerning your grace's supreme jurisdictions ecclesiastical, as your most high secret affairs temporal. Nevertheless your majesty now of late hath found, and tried, by a large number of witnesses, being your faithful subjects, and personages of great honour, worship, and discretion, the said Thomas 188
Crumwell, earl of Essex, contrary to the singular trust and confidence which your majesty had in him, to be the most false and corrupt traitor, deceiver, and circumventor against your most royal person, and the imperial crown of this your realm, that hath been known, seen, or heard of in all the time of your most noble reign: Insomuch that it is manifestly proved and declared, by the depositions of the witnesses aforesaid, that the same Thomas Crumwell, earl of Essex, usurping upon your kingly estate, power, authority, and office; without your grace's commandment or assent, hath taken upon him to set at liberty divers persons being convicted and attainted of misprision of high treason; and divers other being apprehended, and in prison, for suspection of high treason; and over that, divers and many times, at sundry places in this your realm, for manifold sums of money to him given, most traitorously hath taken upon him, by several writings, to give and grant, as well unto aliens, as to your subjects, a great number of licenses for conveying and carrying of money, corn, grain, beans, beer, leather, tallow, bell-metal, horses, and other commodities of this your realm, contrary to your highness' most godly and

gracious proclamations made for the commonwealth of your people of this your realm in that behalf, and in derogation of your crown and dignity. And the same Thomas Crumwell, elated and full of pride, contrary to his most bounden duty, of his own authority and power, not regarding your majesty royal; and further, taking upon him your power, sovereign lord, in that behalf, divers and many times most traitorously hath constituted, deputed and assigned, many singular persons of your subjects to be commissioners in many your great, urgent and weighty causes and affairs, executed and done in this your realm, without the assent, knowledge, or consent of your highness. And further also, being a person of as poor and low degree, as few be within this your realm; pretending to have so great a stroke about you, our, and his natural sovereign liege lord, that he letted not to say, publish, and declare, that he was sure of you; which is detestable, and to be abhorred amongst all good subjects in any Christian realm, that any subject should enterprize or take upon him so to speak of his sovereign liege lord and king. And also of his own authority and power without your highness' consent, hath made, and granted, as well to strangers as to your own subjects, divers and many passports, to pass over the seas, with horses, and great sums of money, without any search. And over that, most gracious sovereign lord, amongst divers other his treasons, deceits, and falsehoods, the said Thomas Crumwell, earl of Essex, being a detestable heretic, and being in himself utterly disposed to set and sow common sedition and variance among your true and loving subjects, hath secretly set forth and dispersed into all shires, and other territories of this your realm, and other your dominions, great number of false erroneous books, whereof many were printed and made beyond the seas, and divers other within this realm, comprising and declaring, amongst many other evils and errors, manifest matters to induce and lead your subjects to diffidence, and refusal of the true and sincere faith and belief, which Christian religion bindeth all Christian people to have, in the most holy
189 and blessed sacrament of the altar, and other articles of Christian religion, most graciously declared by your majesty, by authority of parliament: and certain matters comprised in some of the said books, hath caused to be translated into

our maternal and English tongue: and upon report made unto him by the translator thereof, that the matter so translated hath expressly been against the said most blessed and holy sacrament; yet the same Thomas Crumwell, earl of Essex, after he had read the same translation, most heretically hath affirmed the same material heresy so translated, to be good; and further hath said, that he found no fault therein; And over that, hath openly and obstinately holden opinion, and said, That it was as lawful for every Christian man to be a minister of the said sacrament, as well as a priest. And where also your most royal majesty, being a prince of virtue, learning, and justice, of singular confidence and trust, did constitute and make the same Thomas Crumwell, earl of Essex, your highness' vicegerent within this your realm of England; and by the same, gave unto him authority and power, not only to redress and reform all, and all manner of errors, and erroneous opinions, insurging and growing among your loving and obedient subjects of this your realm, and of the dominions of the same, but also to order and direct all ecclesiastical and spiritual causes within your said realm, and dominions; the same Thomas Crumwell, earl of Essex, not regarding his duty to Almighty God, and to your highness, under the seal of your vicegerent, hath without your grace's assent or knowledge, licensed and authorized divers persons, detected and suspected of heresies, openly to teach and preach amongst your most loving and obedient subjects within this your realm of England. And under the pretence and colour of the said great authorities and cures, which your majesty hath committed unto him in the premisses, hath not only, of his corrupt and damnable will and mind, actually, at some time, by his own deed and commandment, and at many other times by his letters expressly written to divers worshipful persons, being sheriffs, in sundry shires of this your realm, falsely suggesting thereby your grace's pleasure so to have been, caused to be set at large many false heretics, some being thereof indicted, and some other being thereof apprehended, and in ward: and commonly, upon complaints made by credible persons unto the said Thomas Crumwell, earl of Essex, of great and most detestable heresies committed and sprongen in many places of this your realm, with declaration of the specialties of the same heresies, and the

names of the offenders therein, the same Thomas Crumwell, Earl of Essex, by his crafty and subtle means and inventions, hath not only defended the same heretics from punishment and reformation; but being a fautor, maintainer, and supporter of heretics, divers times hath terribly rebuked divers of the said credible persons being their accusers, and some others of them hath persecuted and vexed by imprisonment and otherwise; So that thereby many of your grace's true and loving subjects have been in much dread and fear, to detect or accuse such detestable known heretics; the particularities and specialties of which said abominable heresies, errors, and offences, committed and done by the said Thomas Crumwell, been over tedious, long, and of too great number here to be expressed, declared,
190 or written. And to the intent to have those damnable errors and heresies, to be inculked, impressed, and fixed in the hearts of your subjects, as well contrary to God's laws, as your laws and ordinances, most gracious sovereign lord, the same Thomas Crumwell, earl of Essex, hath allured and drawn unto him by retainours, many of your subjects sundryly inhabiting in every of your said shires and territories, as well erroneously persuading and declaring to them the contents of the false erroneous books above-written, to be good, true, and best standing with the most holy word and pleasure of God; as other his false and heretical opinions and errors; whereby, and by his confederacies therein, he hath caused many of your faithful subjects to be greatly infected with heresies, and other errors, contrary to the right laws and pleasure of Almighty God. And the same Thomas Crumwell, earl of Essex, by the false and traitorous means above written, supposing himself to be fully able, by force and strength, to maintain and defend his said abominable treasons, heresies, and errors, not regarding his most bounden duty to Almighty God, and his laws, nor the natural duty of allegiance to your majesty, in the last day of March, in the 30th year of your most gracious reign, in the parish of saint Peter the Poor, within your city of London, upon demonstration and declaration then and there made unto him, that there were certain new preachers, as Robert Barnes clerk, and other, whereof part been now committed to the Tower of London, for preaching and teaching of lewd learning against your highness' proclamations; the same Thomas affirming the

same preaching to be good, most detestably, arrogantly, wilfully, maliciously, and traitorously, expressly against your laws and statutes, then and there did not let to declare, and say, these most traitorous and detestable words ensuing, amongst other words of like matter and effect; that is to say, That *if the king would turn from it, yet I would not turn; and if the king did turn, and all his people, I would fight in the field in mine own person, with my sword in my hand against him and all other;* and then, and there, most traiterously pulled out his dagger, and held it on high, saying these words, *Or else this dagger thrust me to the heart, if I would not die in that quarrel against them all: and I trust, if I live one year or two, it shall not lie in the king's power to resist or let it if he would.* And further, then and there swearing by a great oath, traitorously affirmed the same his traitorous saying and pronunciation of words, saying, *I would do so indeed,* extending up his arm, as though he had had a sword in his hand; to the most perilous, grievous, and wicked example of all other your loving, faithful and obedient subjects in this your realm, and to the peril of your most royal person. And moreover, our most gracious sovereign lord, the said Thomas Crumwell, earl of Essex, hath acquired and obtained into his possession, by oppression, bribery, extort power, and false promises made by him, to your subjects of your realm, innumerable sums of money and treasure; And being so enriched, hath had your nobles of your realm in great disdain, derision, and detestation, as by express words by him most opprobriously spoken hath appeared. And being put in remembrance of others, of his estate, which your highness hath called him unto, offending in like treasons, the last day of January, in the 31th year of your most noble reign, at the parish of St. Martyn in the Field, in the county of Middlesex, most arrogantly, willingly, malici- 191
ously, and traitorously, said, published, and declared, That *if the lords would handle him so, that he would give them such a breakfast as never was made in England, and that the proudest of them should know;* to the great peril and danger, as well of your majesty, as of your heirs and successors. For which his most detestable and abominable heresies and treasons, and many other his like offences and treasons overlong here to be rehearsed and declared; Be it enacted, ordained, and

established by your majesty, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said Thomas Crumwell, earl of Essex, for his abominable and detestable heresies and treasons, by him most abominably, heretically, and traitorously practised, committed, and done, as well against Almighty God, as against your majesty, and this your said realm, shall be, and stand, by authority of this present parliament, convicted and attainted of heresy and high-treason, and be adjudged an abominable and detestable heretic and traitor; and shall have and suffer such pains of death, losses, and forfeitures of goods, debts, and cattalls, as in cases of heresy and high-treason, or as in cases of either of them, at the pleasure of your most royal majesty. And the same Thomas Crumwell, earl of Essex, shall, by authority abovesaid, lose, and forfeit to your highness, and to your heirs and successors, all such his castles, lordships, manors, messuages, lands, tenements, rents, reversions, remainders, services, possessions, offices, rights, conditions, and all other his hereditaments, of what names, natures, or qualities soever they be, which he the said Thomas Crumwell, earl of Essex, or any other to his use had, or ought to have had, of any estate of inheritance, in fee-simple or intayle, in reversion or possession, at the said last day of March, in the said thirtieth year of your most gracious reign, or at any time sith or after, as in cases of high-treason. And that all the said castles, lordships, manors, messuages, lands, tenements, rents, reversions, remainders, services, possessions, offices, and all other the premisses forfeited, as is abovesaid, shall be deemed, invested, and adjudged, in the lawful, real, and actual possession of your highness, your heirs and successors for ever in the same and such estate, manner and form, as if the said castles, lordships, manors, messuages, lands, tenements, rents, reversions, remainders, services, possessions, offices, and other the premisses, with their appurtenances, and every of them, were specially or particularly founden, by office or offices, inquisition or inquisitions, to be taken by any escheator or escheators, or any other commissioner or commissioners, by virtue of any commission or commissions to them or any of them, to be directed in any county or counties, shire or shires, within this your realm of England,

where the said castles, and other the premisses, or any of them, ben, or do lye, and returned into any of your highness' courts. Saving to all and singular person, and persons, bodies politic and corporate, and their heirs and successors, and their successors and assignes of every of them, other than the said Thomas Crumwell, earl of Essex, and his heirs, and all and every other person and persons, claiming by the same Thomas Crumwell, and to his use, all such right, title, entry, possession, interest, reversions, remainders, lease, leases, conditions, fees, 192
offices, rents, annuities, commons, and all other commodities, profits, and hereditaments, whatsoever they or any of them might, should, or ought to have had, if this act had never been had, ne made.

Provided always, and be it enacted by the authority aforesaid, that this act of attainder, ne any offence, ne other thing therein contained, extend not unto the deanery of Wells in the county of Sommerset; ne to any manors, lands, tenements, or hereditaments thereunto belonging; nor be in any wise prejudicial or hurtful unto the bishop of Bath and Wells, nor to the dean and chapter of the cathedral church of saint Andrew of Wells, ne to any of them, ne to any of their successors; but that the said bishop, dean, and chapter, and their successors, and every of them, shall and may have, hold, use, occupy, and enjoy, all and singular their titles, rights, manors, lands, tenements, rents, reversions, and services, and all and singular other their hereditaments, commodities, and profits, of what nature, kind, or quality, or condition soever they be, in as ample and large manner and form, as though this act of attainder, or any offence therein mentioned, had never been had, committed, ne made; and that from henceforth the dean, and his successors, deans of the said cathedral church that hereafter shall be preferted, elected, and admitted to the same, shall, by the authority aforesaid, be dean of the said cathedral church, fully and wholly incorporated with the chapter of the same, in as ample, large, and like manner and form, to all intents and purposes, as the deans before this time hath been and used to be, with the said chapter of the said cathedral church of Wells. And that the same dean and chapter, and their successors, shall have, occupy, and enjoy, all and singular their such possessions, manors, lands, tenements, rents, reversions,

services, and all and singular their hereditaments, of what nature, kind, name or names they be called or known. And shall be adjudged and deemed in actual and real possession and season of, and in the same premises, to all intents and purposes, according to their old corporation, as though this act of attainder, or any thing, clause, or matter therein contained had never been had, committed, ne made. This said act of attainder, or any other act, provision, or thing heretofore had or made to the contrary notwithstanding.

Cui quidem petitioni cum provisione prædictâ, perlectæ et intellectæ per dictum dominum regem, ex autoritate et consensu parlamenti prædicti sic responsum est,

Soit faict comme il est desiré[73].

[73] [The date of the attainder of Cromwell is Tuesday, June 29, the day before he wrote the letter which follows. The bill had been brought into the house of lords June 17, read a second and third time June 19; and after being altered in the house of commons, finally passed the lords on the 29th of June.]

Number XVII. [pp. 280, 281.] 193

Cromwell's letter to the king concerning his marriage with Anne of Cleves. An original.

To the king, my most gracious sovereign lord his royal majesty.

Cotton lib. Otho. C. x.

MOST merciful king, and most gracious sovereign lord, may it please the same to be advertised, that the last time it pleased your benign goodness to send unto me the right honourable lord chancellor, the right honourable duke of Norffolk, and the lord admiral, to examine, and also to declare unto me divers things from your majesty; among the which, one special thing they moved, and thereupon they charged me, as I would answer before God at the dreadful day of judgment, and also upon the extreme danger and damnation of my soul and conscience, to say what I knew in the marriage, and concerning the marriage, between your highness and the queen. To the which I answered as I knew, declaring unto them the particulars, as nigh as I then could call to remembrance. Which when they had heard, they, in your majesty's name, and upon like charge as they had given me before, commanded me to write to your highness the truth, as much as I knew in that matter; which now I do, and the very truth, as God shall save me, to the uttermost of my knowledge. First; after your majesty heard of the lady Ann of Cleves' arrival at Dover, and that her journeys were appointed towards Greenwich, and that she should be at Rochester on new year's even at night, your highness declared to me, that you would privily visit her at Rochester, upon new year's day, adding these words, *To nourish love;* which accordingly your grace did upon new year's day, as is above said. And the next day, being Friday, your grace returned to Greenwich, where I spake with your grace, and demanded of your majesty, how ye liked the lady Ann. Your highness answered, as methought, heavily, and not pleasantly,

Nothing so well as she was spoken of; saying further, *That if your highness had known as much before as ye then knew, she should not have come within this realm;* saying as by the way of lamentation, *What remedy?* Unto the which I answered and said, I know none, but was very sorry therefore; and so God knoweth I was, for I thought it a hard beginning. The next day after the receipt of the said lady, and her entry made unto Greenwich, and after your highness had brought her to her chamber, I then waited upon your highness into your privy-chamber; and being there, your grace called me unto you, saying to me these words, or the like, *My lord, is it not as I told you? Say what they will, she is nothing so fair as she hath been reported; howbeit she is well and seemly.* Whereunto I answered and said, By my faith, sir, ye say truth; adding thereunto, that I thought she had a queenly manner; and nevertheless was sorry that your grace was no better content: and thereupon your grace commanded me to call together your council, which were these by name;
194 the archbishop of Canterbury, the dukes of Norffolk and Suffolk, my lord admiral, and my lord of Duresme, and myself to commune of these matters, and to know what commissions the agents of Cleves had brought, as well touching the performance of the covenants sent before from hence to Dr. Wotton, to have been concluded in Cleves, as also in the declaration how the matters stood for the covenants of marriage, between the duke of Lorrain's son, and the said lady Ann. Whereupon Olesleger and Hogeston were called, and the matters proposed; whereby it plainly appeared, that they were much astonished and abashed, and desired that they might make answer in the next morning, which was Sunday: and upon the Sunday in the morning, your said counsellors and they met together early, and there eftsoons was proposed unto them, as well touching the commission for the performance of the treaty and articles sent to Mr. Wotton, as also touching the contracts and covenants of marriage between the duke of Lorrain's son, and the lady Ann, and what terms they stood in. To which things so proposed, they answered as men much perplexed, That as touching commission, they had none to treat concerning the articles sent to Mr. Wotton. And as to the contract and covenants of marriage they could say nothing, but that a revocation

was made, and that they were but sponsals. And finally, after much reasoning, they offered themselves to remain prisoners, until such time as they should have sent unto them from Cleves the first articles ratified under the duke their master's sign and seal, and also the copy of the revocation made between the duke of Lorrain's son and the lady Ann. Upon the which answers, I was sent to your highness by my lords of your council, to declare to your highness their answer; and came to you, by the privy way, into your privy chamber, and declared unto the same all the circumstances, wherewith your grace was very much displeased, saying, *I am not well handled;* insomuch that I might well perceive that your highness was fully determined not to have gone through with the marriage at that time, saying unto me these words, or the like in effect; *That if it were not that she is come so far unto my realm, and the great preparations that my states and people have made for her, and for fear of making a ruffle in the world; that is, to * mean to drive her brother into the hands of the emperor, and the French king's hands, being now together, I would never have ne * married her.* So that I might well perceive your grace was neither content with the person, ne yet with the proceedings of the agents; and at after-dinner, the said Sunday, your grace sent for all your said counsellors in, repeating how your highness was handled, as well touching the said articles, as also the said matter of the duke of Lorrain's son. It might, and I doubt not did, appear unto them how loth your highness was to have married at that time. And thereupon, and upon the considerations aforesaid, your grace thought that it should be well done that she should make a protestation before your said counsellors and notaries to * be present, that she was free from all contracts; which was done accordingly. And thereupon I repairing to your highness, declared how that she had made her protestation. Whereunto your grace answered in effect these words, or much like; *Is there none other remedy, but that I must needs, against my will, put my neck in the yoke?* and so departed, leaving your highness in a study or pensiveness. And yet your grace determined the next morning to go through; and in the morning 195
which was Monday, your majesty preparing yourself towards the ceremonies; there was one question, who should lead * to

the church? and it was appointed that the earl of Essex deceased, and an earl that came with her, should lead her to the church. And thereupon one came to your highness, and said to you, That the earl of Essex was not come; whereupon your grace appointed me to be one that should lead her: and so I went into her chamber, to the intent to have done your commandment; and shortly after I came into her chamber, the earl of Essex was come: whereupon I repaired back again into your grace's privy-chamber, and shewed your highness how he was come; and thereupon your majesty advanced towards the gallery out of your privy-chamber; and your grace being in and about the midst of your chamber of presence, called me unto you, saying these words, or the like in sentence; *My lord, if it were not to satisfy the world, and my realm, I would not do that I must do this day for none earthly thing;* and therewith one brought your grace word that she was coming; and thereupon your grace repaired into the gallery towards the closet, and there paused for her coming, being nothing content that she so long tarried, as I judged then. And so consequently she came, and your grace afterwards proceeded to the ceremonies; and they being finished, travelled the day as appertained, and the night after the custom. And in the morning on Tuesday, I repairing to your majesty into your privy-chamber, finding your grace not so pleasant as I trusted to have done, I was so bold to ask your grace how you liked the queen? Whereunto your grace soberly answered, saying, *That I was not all men; surely, as ye know, I liked her before not well, but now I like her much worse; for,* quoth your highness, *I have felt her belly, and her breasts, and thereby, as I can judge, she should be no maid; which strook me so to the heart when I felt them, that I had neither will nor courage to proceed any further in other matters;* saying, *I have left her as good a maid as I found her:* which methought then ye spake displeasantly, which made me very sorry to hear; your highness also after Candlemas, and before Showstie, once or twice said, That *ye were in the same case with her as ye were afore, and that your heart could never consent to meddle with her carnally.* Notwithstanding your highness alleged that ye for the most part used to lay nightly, or every second night by her, and yet your

majesty ever said, *That she was as good a maid for you as ever her mother bare her, for any thing ye had ministered to her.* Your highness shewed to me also in Lent last passed, at such time as your grace had some communication with her of my lady Mary, how that she began to wax stubborn and wilful, ever lamenting your fate, and ever verifying that ye never had any carnal knowledge with her: and also after Easter, your grace likewise, at divers times, and in the Whitsun-week, in your grace's privy-chamber at Greenwich, exceedingly lamented your fate, and that your greatest grief was, That *ye should surely never have any more children for the comfort of this realm, if ye should so continue;* assuring me, *that before God ye thought she was never your lawful wife.* At which time your grace knoweth what answer I made; which was, that I would for my part do my utmost to comfort and deliver your grace of your afflictions; and how sorry I was both to see and hear your grace, God knoweth. Your grace divers times sithen Whitsuntide, ever alleging one 196
thing, and also saying, That *ye had as much to do to move the consent of your heart and mind as ever did man, and that you took God to witness; but ever*, you said, *the obstacle could never out of your mind.* And, gracious prince, after that you had first seen her at Rochester, I never thought in my heart that ye were, or would be contented with that marriage. And, sir, I know now in what case I stand, in which is only the mercy of God and your grace: if I have not, to the uttermost of my remembrance, said the truth, and the whole truth in this matter, God never help me. I am sure there is, as I think, no man in this your realm that knew more in this than I did, your highness only excepted. And I am sure, my lord admiral calling to his remembrance, can shew your highness, and be my witness what I said unto him after your grace came from Rochester, yea, and after your grace's marriage: and also now of late, sithence Whitsuntide, and I doubt not but many and divers of my lords of your council, both before your marriage, and sithence, have right well perceived that your majesty hath not been well pleased with your marriage. And as I shall answer to God, I never thought your grace content, after you had once seen her at Rochester. And this is all that I know, most gracious and most merciful

sovereign lord, beseeching Almighty God, who ever hath in all your causes counselled, preserved, opened, maintained, relieved and defended your highness; so he will now vouchsafe to counsel you, preserve you, maintain you, remedy you, relieve and defend you, as may be most to your honour, with prosperity, health, and comfort of your heart's desire. For the which, and for the long life, and prosperous reign of your most royal majesty, I shall, during my life, and whiles I am here, pray to Almighty God, that he of his most abundant goodness will help, aid, and comfort you; after your continuance of Nestor's years, that that most noble imp, the prince's grace, your most dear son, may succeed you to reign long, prosperously, and felicitously to God's pleasure: beseeching most humbly your grace to pardon this my rude writing, and to consider that I * a most woful prisoner, ready to take the death, when it shall please God and your majesty; and yet the frail flesh inciteth me continually to call to your grace for mercy and grace for mine offences; and thus Christ save, preserve and keep you.

Written at the Tower this Wednesday, the last[73] of June, with the heavy heart, and trembling hand, of your highness' most heavy and most miserable prisoner, and poor slave,

Thomas Crumwell.

Most gracious prince, I cry for mercy, mercy, mercy[74].

[73] [This date is correct; all the chroniclers of the period assign July 9 for the date of Cromwell's arrest: but it appears from the Journals of the Lords that he was sent to the Tower June 10.]

[74] [The whole of this letter, together with the greater part of the following document, has been destroyed by fire. The editor has printed it as it stands in the first edition; not feeling himself at liberty to propose alterations of the numerous errors of copying which it contains, except in manifest instances of misprint. He has marked with an asterisk those places where there is certainly some mistake. Besides the letter printed in Part iii. Records, Book 3. N°. 68. there is another from Cromwell to the king in the Cotton Library, Otho, C. x. fol. 242, some account of which has been given by Ellis, 2. ii. 160.]

Number XVIII. [p. 280.]

The king's own declaration concerning it. An original, [in his majesty's own hand.]

Cotton lib. Otho. C. x. [fol. 241.]

FIRST I depose and declare, that this hereafter written is merely the verity intended, upon no sinister affection, nor yet upon none hatred or displeasure, and herein I take God to witness. Now to the matter I say and affirm; that when the first communication was had with me for the marriage of the lady Anne of Cleves, I was glad to hearken to it, trusting to have some assured friend by it; I much doubting that time, both the emperor, and France, and the bishop of Rome; and also because I heard so much, both of her excellent beauty and virtuous conditions. But when I saw her at Rochester, the first time that ever I saw her, it rejoiced my heart that I had kept me free from making any pact or bond before with her till I saw her myself; for then I assure you I liked her so ill, and so far contrary to that she was praised, that I was woo that ever she came into England; and deliberated with myself, that if it were possible to find means to break off, I would never enter yoke with her. Of which misliking, both the great master, the admiral that now is, and the master of the horses, can and will bear record. Then after my repair to Greenwich, the next day after I think, and doubt not, but that the lord of Essex well examined, can, and will, or hath declared what I then said to him in that case; not doubting, but since he is a person which knoweth himself condemned to die by act of parliament, will not damn his soul, but truly declare the truth, not only at the time spoken by me, but also continually till the day of marriage; and also many times after, whereby my lack of consent, I doubt not, doth or shall well appear; and also lack enough of the will and power to consummate the same; wherein both he, my physicians, the lord privy seal that now is, Hennage and Denny can, and I doubt not will testify according to truth, which is, That I never for love to the woman consented to marry; nor yet if she brought maidenhead with her, took any from her by true carnal copulation. This is my brief, true, and perfect declaration.

Number XIX. [p. 281[75].]

The judgment of the convocation for annulling of the marriage with Ann of Cleves.

TENOR vero literarum testimonialium hujusmodi sequitur, et est talis. Registr. Cranmer. [fol. 141 d.]

EXCELLENTISSIMO [illustrissimo, et potentissimo] in Christo principi, [et Domino nostro, Domino Henrico Octavo, Dei gratiâ, Angliæ et Franciæ regi, fidei defensori et Domino Hiberniæ ac in terrâ immediate sub Christo, supremo capiti ecclesiæ Anglicanæ], Thomas Cantuariensis et Edwardus Eboracensis archiepiscopi, cæterique episcopi et[76] reliquus vestri regni Angliæ[77] clerus auctoritate literarum commissionalium vestræ majestatis congregati, ac[78] synodum universalem repræsentantes, cum obsequio, reverentiâ et honore debitis, salutem et felicitatem. Cum nos humilimi[79] et majestatis vestræ devotissimi subditi, convocati, et congregati simus[80] virtute commissionis
198 vestræ magno sigillo vestro[81] sigillatæ[82], datæ sexto die Julii anno felicissimi regni vestri tricesimo secundo, quam accepimus in hæc quæ sequuntur verba;

"HENRICUS Octavus Dei gratiâ Angliæ, [et Franciæ Rex[83], [fol. 142.]
" fidei defensor, et[84] Dominus Hiberniæ ac in terrâ[85] immediate
" sub Christo, supremum caput ecclesiæ Anglicanæ,] archiepi-
" scopis Cantuariensi et Eboracensi ac cæteris regni nostri Angliæ
" episcopis, decanis, archidiaconis, et universo clero, salutem.
" Egerunt apud nos regni nostri proceres et populus, ut cum
" nuper quædam emerserint, quæ ut illi putant ad nos regnique
" nostri successionem pertineant, inter quæ præcipua est, causa

[75] [This document has been printed in the 'State Papers,' vol. i. p. 629, as taken from the original in the State Paper Office. In a note it is there said that 'by letters from the council of 19th January, 1541, the archbishops of Canterbury and York were required to enter it on their respective registers. From the former of these registers it was published by Burnet in the Collection of Records subjoined to the first volume of the History of the Reformation, but there are some verbal inaccuracies in his publication, and the signatures are entirely wanting.' The variations, excepting those which consist in the mere difference of spelling, are given at the foot of the page.]

[76] [*ac.*] [77] [*Angliæ* om.]
[78] [*et.*] [79] [*humillimi.*]
[80] [*sumus.*] [81] [*vestro* om.]
[82] [*consignatæ.*]
[83] [*Rex Angliæ et Franciæ.*]
[84] [*et* om.] [85] [*terris.*]

" et condicio matrimonii quod cum illustri et nobili feminâ
" dominâ Annâ Clevensi propter externam quidem conjugii
" speciem, perplexum, alioqui etiam multis ac variis modis am-
" biguum videtur[86]; nos ad ejusdem matrimonii disquisitionem
" ita procedere dignaremur, ut opinionem vestram qui in ec-
" clesiâ nostrâ Anglicanâ scientiam verbi Dei et doctrinam
" profitemini exquiramus, vobisque discutiendum[87] auctoritatem
" ita demandemus, ut si animis vestris fuerit persuasum matrimo-
" nium cum præfatâ dominâ Annâ minime consistere ac[88] cohæ-
" rere debere; nos ad matrimonium contrahendum cum aliâ
" liberos esse, vestro, Patrum[89] ac reliquæ deinde ecclesiæ suf-
" fragio pronuncietur et confirmetur. Nos autem qui vestrum
" in reliquis ecclesiæ hujus Anglicanæ negociis gravioribus quæ
" ecclesiasticam echonomiam[90] et religionem spectent, judicium
" amplecti solemus, ad veritatis explicandæ testimonium omnino
" necessarium rati sumus causæ hujus matrimonialis seriem et
" circumstancias vobis exponi et communicari curare, ut quod
" vos per Dei leges licere decreveritis, id demum tocius ecclesiæ
" nostræ auctoritate innixi licite facere et exequi publice au-
" deamus. Vos itaque convocari et in synodum universalem
" nostrâ auctoritate convenire volentes, vobis conjunctim et
" divisim committimus atque mandamus ut inspectâ hujus negocii
" veritate, ac solum Deum præ oculis habentes, quod verum,
" quod justum, quod honestum, quod sanctum est, id nobis
" de communi concilio scripto authentico renuncietis et de
" communi consensu licere diffiniatis. Nempe hoc unum a
" vobis nostro jure postulamus, ut tanquam fida et proba
" ecclesiæ membra causæ huic ecclesiasticæ, quæ maxima est,
" in justitiâ et veritate adesse velitis et eam maturrime juxta
" commissionem vobis in hâc parte factam absolvere et expe-
" dire. In cujus rei testimonium has literas nostras fieri
" fecimus patentes, teste meipso apud Westmonasterium sexto
" die Julii, anno regni nostri tricesimo secundo[91]."

NOS tenorem et effectum ejusdem vestræ commissionis per omnia sequentes, postquam maturâ deliberacione perpendimus et consideravimus omnes matrimonii prætensi inter vestram

[86] [*vident.*] [87] [*discutiendi.*]
[88] [*aut.*] [89] [*primum.*]
[90] [*œconomiam.*]
[91] [This commission appears in Strype's Ecclesiastical Memorials, vol. i. app. p. 306. It is taken from a copy which does not exactly follow either the original or the transcript in Cranmer's Register, and has moreover several errors of press.]

majestatem illustrissimam et nobilem feminam dominam Annam Clevensem circumstantias, nobis multis modis expositas, cognitas et perspectas, tandem ad diffinitionem et determinacionem sequentem, quam communi omnium consensu justoque animorum nostrorum judicio ac recto conscientiæ dictamine protulimus, processimus, in hunc modum et (quod tenor vestræ[92] commissionis exigit) vestræ nobilissimæ majestati in hoc præsenti scripto referendam duximus, et[93] significamus prout sequitur.

PRIMUM itaque comperimus et consideravimus matrimonium inter majestatem vestram et nobilem feminam dominam Annam Clevensem prætensum præcontractu quodam sive sponsaliorum, sive matrimonii, inter dictam dominam Annam et marchionem Lothoringiæ[94] concluso, ambiguum, plane impeditum et perplexum reddi.

Animadvertimus enim quod quamvis vestra majestas in primâ
199 hujus matrimonii[95] prætensi tractatione præcontractûs prædicti, de quo tum sermo multus habebatur, discussionem et declaracionem ante solemnisandum cum dictâ dominâ Annâ matrimonium tantâ instantiâ exegerit, ut pro condicione contrahendi deinde matrimonii fuisse merito existimari possit, quâ condicione defectâ nihil ageretur; atque hæc cum ita se haberent tamen neque ante solemnizacionem illa de præcontractu ambiguitas expedita et declarata est, cum id ipsum tum temporis majestas vestra denuo exposceret et efflagitaret, cui clara jam et expedita esse omnia falso renunciabatur, neque postea quicquam efficax ut promissum ab oratoribus fuerat, huc transmissum est, quo scrupulus ille ex præcontractu natus eximeretur, tolleretur aut amoveretur, adeo quidem ut prætensum matrimonium inter majestatem vestram et dominam Annam prædictam non modo ex condicionis defectu corruerit, sed si nulla condicio hujusmodi omnino fuisset, certe quidem matrimonium hujusmodi prætensum ex solâ præcontractûs hujusmodi[96] causâ non explicatâ in suspenso manserit; in eum etiam casum nullius vigoris omnino[97] ac valoris pronunciandum, quo præcontractum illum verbis de præsenti factum fuisse constiterit, id quod multis de causis est verisimilius et merito suspectum haberi potest.

CONSIDERAVIMUS præterea ex his quæ allegata, affir-

[92] [*tenor commissionis prædictæ.*] [93] [*ac*] [94] [*Lotharingiæ.*]
[95] [*prætensi matrimonii.*] [96] [*præcontractûs illius.*] [97] [*omnino vigoris.*]

mata et probata nobis fuerunt, quod prætensum matrimonium inter majestatem vestram et dominam Annam prædictam internum, purum, perfectum et integrum consensum non habuit : imo[98] contra, quemadmodum inter ipsa tractacionis initia, cum de hoc matrimonio ageretur, plurimus illecebrarum fucus adhibitus est, et magnus laudacionum acervus supra fidem cumulatus, ut huc perduceretur et obtruderetur ignota, ita solemnisationis actus qui instabat a majestate vestrâ animo reluctante et dissentiente extortus est, causis maximis et gravissimis urgentibus et prementibus quæ animum invitum et alienum perpellere merito possent.

CONSIDERAVIMUS etiam carnalem copulam inter majestatem vestram et prædictam dominam Annam minime secutam esse, nec cum eâ justo impedimento intercedente[99] consequi deinde posse. Quæ omnia ex his quas audivimus probacionibus, vera et certa esse existimamus.

POSTREMO illud quoque consideramus[100], quod et nobis ab aliis propositum etiam nos verum esse fateamur[1], agnoscimus et approbamus, videlicet ut si majestas vestra (modo ne fiat divinæ jussioni præjudicium) in libertate contrahendi matrimonii[2] cum aliâ esse declararetur, maximo tocius regni[3] beneficio id futurum. Cujus quidem regni felicitas omnis et conservacio, tum in regiâ vestrâ personâ ad Dei honorem et divinarum legum execucionem conservandam consistit, tum in vitandis etiam sinistris omnibus opinionibus et scandalis quæ de majestatis vestræ progenie post natam nobis ex prætenso matrimonio sobolem suborirentur, si præcontractus ille de quo diximus, et cujus declaracio nulla secuta est, prædictæ dominæ Annæ objiceretur.

HIIS itaque de causis, et consideracionibus aliisque[4] multis non necessariis quæ exprimantur, cum seperatim singulis, tunc[5] conjunctim omnibus consideratis et perpensis, nos archiepiscopi et episcopi, cum decanis, archidiaconis, et[6] reliquo hujus regni clero nunc congregato, circumstancias facti, ejusque veritatem ut ante dictum est considerantes, tum vero quid ecclesia in hujusmodi[7] casibus et possit facere et sæpenumero antehac fecerit

[98] [*immo.*]
[99] [*intercedente impedimento.*]
[100] [*consideravimus.*]
[1] [*fatemur.*]
[2] [*cum aliâ matrimonii.*]
[3] [*tocius hujus regni.*]
[4] [*His . . . aliis quam.*]
[5] [*tum.*]
[6] [*ac.*]
[7] [*ejusmodi.*]

perpendentes, tenore præsentium declaramus et diffinimus[8], majestatem vestram prædicto matrimonio prætenso, utpote nullo et invalido, non alligari, sed alio desuper judicio non expectato, ecclesiæ suæ auctoritate fretam posse arbitrio suo ad contrahendum et consummandum matrimonium cum quâvis feminâ, divino jure vobiscumque[9] contrahere non prohibitâ, procedere, prætenso illo cum dominâ Annâ prædictâ matrimonio non obstante.

SIMILITER[10] dominam Annam prædictam non obstante matrimonio prætenso cum majestate vestrâ, quod nullo pacto obstare debere decernimus, posse arbitrio suo cum quâvis aliâ personâ divino jure non prohibitâ matrimonium contrahere.

HÆC nos clerum et doctam[11] ecclesiæ Anglicanæ partem repræsentantes, cum vera, justa, honesta, et sancta esse affirmamus, tum eisdem[12] quam perfectissime, integerrime, et efficacissime ad omnem intencionem, propositum et effectum a nobis exigi potest, consentimus et assentimur per præsentes. In quorum omnium et singulorum testimonium hæc scriptâ manuum nostrarum subscriptione, communivimus, utriusque etiam archiepiscopi sigillo apposito.

Datum Westmonasterii nono die mensis Julii, anno Domini millesimo quingentesimo quadragesimo[13]. [Præsentibus tunc et ibidem ac præmissæ declaracioni et diffinicioni consentientibus, magistris Joanne Tregunwell, Willielmo Peter, Joanne Hughes, et Willielmo Coke, legum doctoribus, una cum notariis inferius subscribentibus :

[8] [*difinimus.*]
[9] [*vobiscum matrimonium.*]
[10] [*Similiter etiam.*]
[11] [*hujus ecclesiæ.*]
[12] [*iisdem.*]
[13] [Thus far this document was printed by Burnet from Cranmer's Register. The rest has been added from the State Papers. In the Register there follow the names of the notaries and witnesses, and then the depositions of Audley, Suffolk, Southampton, the lord admiral, Cobham, Browne, Heneage, Denny, Wriothesley, Chambers, and Butt; after that, Cromwell's Letter, then 'Such communications as passed between the queen and her ladies the Tuesday or Wednesday before midsummer day last,' and, lastly, the king's assertion and the subscriptions of the notaries. Nearly all of these have been printed by Strype in the Appendix to the first volume of Memorials, pp. 307—315, but not exactly in this order from a MS. in the Cotton Library :]

T. Cantuarien.

Edmundus London.
Ste. Winton.
Thomas Elien.
Wilhelmus Norwicen. per procuratorem.
W. Meneven.
Robertus Landavens.
Robertus Karliolen.
Joannes Hereforden.
Nicholaus Roffen.

Edouardus Ebor.

Cuthbertus Dunelmensis.
Jo. Lincoll. Pc̃ns., et procurator Jo. Exon. epc̃i.
Rolandus Co. et Lich. per procuratorem.
Robertus Assaphen.
Johannes Sarum per procuratorem.
Johannes Wigorn̄en.
Joannes Bangoren.
Thomas electus Westmon.

Richardus Gwent. archi^us London. et cleri Cant. Proloquutor.
Jo. Incent, Leg. doctor, decanus London.
Petrus Vannes, decanus Sarum et arch^s Wigorn.
Joannes Tayler, decanus Lincoln.
Henricus Willi͂ns, decanus Lich.
Simon Heynes, decanus Exon.
Johannes Thetforden. decanus Norwic. per procuratorem.
John Carvanell, decanus Warwic. per procuratorem.
Johannes London, decanus Walinfordiæ.
Willmus Frankeleyn, decanus Windesore, per procuratorem.
Johannes Olyver, decanus Ecclesiæ Collegiatæ Regal. Oxon.
Gamaliel Clyfton, decanus Hereforden. per procuratorem.
Will's Fleshmonger decanus ecclesiæ Cicest. per proc.
Joh's Chambre, Regiæ Capellæ Sancti Ste. Westm. decanus, et arch^us Bedf.
Edmundus Cranmer, archidiaconus Cant.
Ricardus Coren, arch^us Colchest. et Oxon.
Willmus Knyght, archidiaconus Cestriæ et Huntyngton, per procuratorem.
Ricardus Rawson, archidiaconus Essex.
Thomas Baghe, archid^us Surr.
Edouardus Leyghton archi. Sarum.
Georgius Hennage, archi^us Taunton.

Mauritius Greffyth, archus Roffen.
Johannes Worthiall, archus Cicestren.
Polydorus Vergilius, archidiaconus Wellen.
Ricardus Strete, arch. Derbiæ.
David Poole, archus Salopiæ.
Thomas Wynterus, archideaconus Cornubiæ.
Griffinus Leyson, archnus Carmerdine.
Thomas Runcornus, archidiaconus Bangor.
Georgius Wyndame, archidiaconus Norwicen. per procuratorem.
Nicholaus Wotton, archidiaconus Glocestren.
Thomas Breyrwode, archidiaconus Berston.
Geordius Carewe, archus Totton.
Robertus Audley, arch. Berk.
Robertus Newton, arch. Norfolke.
Ricardus Edon, archus Mydd. per procuratorem.
Johannes Blyth, archus Coven. per procuratorem.
John Bothe, archus Herford.
Johannes Luntley, archinus Cardiganiæ.
Richardus Sparchfurthe, archus Salap. per procur.
Edoardus Darby, archinus Stowie, per procurat.
Walterus Cretyng, archidiaconus Bathon. per procuratorem.
Joannes Reston. procurator capituli ecclesiæ Sancti Pauli London.

Matheus Wotton.
Rogerus Edgeworth, Theologiæ Doctor.
Johannes Worthiall.
Georgius Hennage.
Radulphus Sneyde.
Griffinus Leyson.
Joannes Broxolme.
Christopherus Neyvynson.
Simon Matthew.
Willmus Ryvett.
Mauritius Greffyth.
Robertus Jonson.
Joannes Incent.
Griffinus Leyson.

Thomas Benett.
Richardus Arche.
Rolandus Taylor.
Henricus Joliff.
Willmus Busby.
Johannes Panayge.
Anthonius Draycot.
Thomas Robertson.
Thomas Thyrleby, procurator Elien.
Gulielmus Aley.
Ricardus Strete.
David Poole.
Mauritius Birchinsha.
Arthurus Bulkeley.

Henricus Morgan.
Anthonius Belassis.
Joannes Crayforde.
Antonius Barker.
Joannes Cockys.
Ricardus Wade.
Edwardus Saphm.
Johannes Pilkyngton.
Joannes Browne.
Ricardus Roberds.
Paulus Bushe.
Hugo Glasyer.
Willmus Burges.
Joannes Hood.
Ricardus Thornden.
Willmus Marshall.
Willmus Grene.
Ricardus Marsche.
Hugo Raulins.
Ricardus Cox.
Willmus Tresham.
Johannes Barbar.
Joannes Palsgrave.
Johannes Whytwell.
Stephanus Sagar.
Thomas Wakefelde.
Philippus Brode.
Johannes Rudd.
Gilbertus Sanky.
Thomas Bowthe.
Thomas Byrkhed.
Henry Markham.
Thomas Barfot.
Georgius Hovy.
Willmus Haynys.
Thomas Whyt.
Edwarde Cromo.
Robertus Talbot.
Gerardus Carleton.
Hugo Ap'ce, Legum Doctor.
Joannes Brikynden.
Egidius Eyre.
Humfridus Perkeins.
Thomas Baxter.
Willmus Benson, D.
Dionisius Dolyon.
Willm. Gwyn.
Thomas Talley.
Gulielmus Petre.
Johannes Rokeby.
Richardus Liell.
Jo. Tregonwell.
Jo. Hughes.
W. Cooke.

Richardus Layton, Decanus Ebor.
Thomas Westbe, archidiaconus Ebor.
T Magnus, archediaconus Estriding.
Willmus Knyght, arc^us Riche.
Richardus Langgrische, archi^us Cliflandie.
Cudbartus Marshal, archideaconus Notyngam.
Gwillmus Franklynne, archidiac^us Dunelm.
Robertus Dawell, arch^us Northumb.
Willmus Holgyll, archid^us Karliolen.

Galfridus Downes, Cancellarius ecclesiæ Ebor.
Thomas Wynterus, Præpositus Beverlacen.
Joannes Brandishe.
Willmus Howghton.
Joannes Redmayn.

Then follow the attestations of the Notaries.

The seals of the two archbishops are appended[13].]

[13] [Another document differing from this has been printed by Collier from the Cotton MSS. in his Collection of Records, No. 48. It is addressed to the king, and signed by the two archbishops. The 'Processus nullitatis matrimonii inter Henricum Octavum et Annam Clivensem,' has been printed at length from Cranmer's Register in Wilkins' Concilia, vol. iii. p. 851—855.]

Number XX. [p. 282.]

Anne of Cleves' letter to her brother[14].

BROTHER,

Cotton lib. Otho, C. x. fol. 238.

BECAUSE I had rather ye knew the truth by mine advertisement, than for want thereof ye should be deceived by vain reports, I write these present letters unto you, by which ye shall understand, that being advertised how the nobles and commons of this realm desired the king's highness here to commit the examination of the matter of marriage, between me and his majesty, to the determination of the clergy: I did the more willingly consent thereunto, and since the determination made, have also allowed, approved, and agreed unto the same, wherein I have more respect, as becometh me, to truth and good pleasure, than any wordly affection that might move me to the contrary. I account God pleased with that is done, and know myself to have suffered no wrong or injury; but being my body preserved in the integrity which I brought into this realm, and I truly discharged from all band of consent, I find the king's highness, whom I cannot justly have as my husband, to be nevertheless as a most kind, loving, and friendly father and brother, and to use me as honourably, and with as much humanity and liberality as you, I myself, or any of our kin or allies could wish or desire; wherein I am, for my own part, so well content and satisfied, that I much desire my mother, you, and other mine allies so to understand it, accept, and take it; and so to use yourself towards this noble and virtuous prince, as he may have cause to continue his friendship towards you, which on his behalf shall nothing be impaired or altered for this matter; for so hath it pleased his highness to signify unto me, that like as he will shew me always a most fatherly and brotherly kindness, and has so provided for me; so will he remain with you, and other, according to such terms as have passed in the same knot of amity which between you hath been concluded, this matter notwithstanding, in such wise as neither

[14] This letter was drawn by Gardiner, but it is not certain that it was sent. [S.]

I, ne you, or any of our friends shall have just cause of miscon-
201 tentment. Thus much I have thought necessary to write unto you, lest for want of true knowledge ye might otherwise take this matter than ye ought, and in other sort care for me than ye should have cause. Only I require this of you, that ye so use yourself, as for your untowardness in this matter, I fare not the worse; whereunto I trust you will have regard[15].

[15] [There is another version of this letter printed in the 'State Papers,' vol. i. p. 645, which is as follows:

"My dear and well beloved brother. After my most hearty commendations. Where, by your letters of the thirteenth of this month, which I have seen, written to the king's majesty of England, my most dear and most kind brother, I do perceive that you take the matter lately moved and determined between him and me, somewhat to heart; forasmuch as I had rather you knew the truth, by mine advertisement, than, for want thereof, ye should be deceived by vain reports, I thought meet to write these present letters unto you, by the which it shall please you to understand, that, being substantially advertised how the nobles and commons of this realm desired the king's highness to commit the examination of the matter of marriage between his majesty and me, to the examination and determination of the holy clergy of this realm, I did then willingly consent thereunto; and, since the determination made, have, also, upon intimation of their proceedings, allowed, approved, and agreed unto the same: wherein I had more respect, as beseemed me, to truth, then to any worldly affection, that might move me to the contrary; and did the rather condescend thereunto, for that my body remaineth in the integrity, which I brought into this realm. And being the matter thus finished, to advertise you how I am used, surely the king's highness, whom I cannot now justly have, ne will repute, as my husband, hath nevertheless taken and adopted me for his sister; and, as a most kind loving and friendly brother, useth me with as much or more humanity and liberality, as you, I myself, or any of our kin or ally could well wish or desire; wherewith I am, for mine own part, so well satisfied, that I much desire that my good mother, and you, should know this my state and condition; not doubting, but when you shall throughly weigh all things, you will so use yourself towards this noble and good prince, as he may continue his friendship towards you, which, on his highness' behalf, shall nothing be impaired or altered for this matter, unless the fault should be in yourself, whereof I would be most sorry. For so it hath pleased his highness to signify unto me, which I have thought necessary to write unto you, and also, that, God willing, I purpose to lead my life in this realm, having his grace so good lord as he is towards me; lest, for want of true knowledge of my mind and condition, ye might otherwise take this matter, than ye ought, and in other sort care for me, than ye have cause. Thus, &c.

"(*Thus subscribed.*)"

'Anna, duchess born of Cleves, Gulyk, Geldre, and Burge, your loving sister.'"

The discrepancy between the two

versions is easily accounted for, as it appears from the 'declaration of the proceedings with the lady Anne of Cleves, printed in the same volume, p. 643, from a draft in the handwriting of Wriothesley, that the original was written by Anne to the king 'in her own tongue and language.' There is in the Cotton Library, Otho C. x. fol. 247, a letter from the commissioners to the king, in a very mutilated state, which has been printed in Ellis, II. ii. 158. It is dated from 'Richemont this Tuesday,' and informs him, that the queen, to whom they declared the commission by the mouth of an interpreter, was willing to acquiesce in whatever should be determined on. This letter must have been written July 6, because it states that the commissioners were going to remain that night at Richmond, with the exception of the bishop of Winchester who was going to London to be at the convocation which met July 7. The necessity of an interpreter shews that the author in the text of the History, p. 273, has overstated Anne's acquaintance with English. The first and eighth volumes of the 'State Papers' contain several other documents relating to this subject, of which the most important are, 'The king's declaration of the causes of the separation,' vol. i. p. 635, a letter from Anne stating her acquiescence in the decision, dated July 11, vol. i. p. 637; another letter, p. 638, from the king to Suffolk, dated July 13, in which he is told to make Anne write a letter to her brother, and to write a Dutch copy of the English letter to the king, to which she had subscribed her name; another letter of July 16, in which Anne addresses the king as her brother, and signifies her adherence to her previous acquiescence; and lastly, 'a declaration of the proceedings with the lady Anne of Cleves,' above alluded to, and which states that she promised to receive no letters from any of her family without forwarding them to the king. Several other documents which throw light on the helplessness of the queen, and the mode in which every particular of the transaction was forced upon her, are printed among the Foreign Correspondence in the eighth volume of the 'State Papers.']

Number XXI. [p. 289.]

The resolutions of several bishops and divines, of some questions concerning the sacraments; by which it will appear with what maturity and care they proceeded in the reformation, taken from the originals, under their own hands. Only in copying them, I judged it might be more acceptable to the reader to see every man's answer set down after every question; and therefore they are published in this method[17].

Ex MSS. D. Stillingfleet[16]. [Lambeth, Libr. 1108. fol. 69.]

The first question.

What a sacrament is by the scripture?

Answers.

THE scripture sheweth not what a sacrament is, neverthe- Canterbury, [fol. 71.]

[16] I can do your lordship that right to say, that these MSS. are published with faithfulness enough; only they might have been quoted as my lord Salisbury's, to whom they belong, and are probably two of these six or seven volumes said, p. 171 of this volume, to have been in the hands of my lord Burghley. There are some few omissions or verbal mistakes which might have been noted in the margin; I shall only mention some few that alter the sense. [These notices have been omitted as they are only a few of the numerous errata that have been corrected in this document for this edition.] Such mistakes might easily happen, either through the neglect of the transcriber or of the press.

I shall not enter into the criticism of T. Cantuariensis to Leighton's paper. The meaning is more plain in Robertson's; for he not having subscribed his name at the end of his paper the archbishop might add his own to attest it; and Robertson's name afterwards appearing at the beginning of his paper, the bishop might dash his own name as it now stands, if done by the same hand. [B].

[17] [The volume in the Lambeth Library from which this document was transcribed, contains the questions written by themselves, and afterwards the answers given to them by the bishops and other divines in succession. In the margin of this edition will be found the foliation of the original, so that every passage can be referred to without difficulty. In addition to the alteration introduced by the author, of placing together all the answers to each question, there were some other changes for which no reason was assigned; the bishop of Rochester's opinion was placed after the bishop of London's, whereas in the original it precedes it, and ac-

less where in the Latin text we have *sacramentum*, there in the Greek we have *mysterium;* and so by the scripture, *sacramentum* may be called *mysterium, id est, res occulta sive arcana.*

York, [fol. 75.] To the first; In scripture we neither find definition ne description of a sacrament.

Rochester, [fol. 87.] I think that where this word *sacramentum* is found in the scripture in the Latin translation, there in the Greek is found this word *μυστήριον*, that is to say, a mystery, or a secret thing.

London, [fol. 91.] Without prejudice of the truth, and saving always more better judgment, *Cum facultate etiam melius deliberandi in hâc parte,*

To the first question; I think that though scripture do use this word sacrament, in divers places, according to the matter it treateth upon, Thobie xii°. Apoc. i°. Sap. ii°. vi°. xij°. Danielis ii°. ad Ephesios i°. iii°. v°. ad Colloss. i°. 1° ad Tymoth. tertio Apoc. xvii°. as also it doth divers other words: yet, what a sacrament is by definition, or description of scripture, I cannot find it explicated openly. Likewise as I cannot find the definition or description of the Trinity, ne yet such like things. Marry, what other men can find, being daily and of long season exercised in scripture, I cannot tell, referring therefore this thing to their better knowledge.

Carlisle, [fol. 93.] What this word sacrament betokeneth, or what is the definition, description, or notification thereof, I have found no such plainly set out by scripture. But this I find, that it should appear by the same scripture, that the Latin word *sacramentum,* and the Greek word *mysterium,* be in manner always 202
used for one thing; as much to say as, *absconditum, occultatum, vel in occulto.*

Dr. Day, [fol. 99.] I find no definition in scripture of this word *sacramentum*, howbeit wheresoever it is found in scripture, the same is in

cordingly it has been so placed in the text of this edition. Also Day's opinion instead of appearing, as it ought to have done, before Robertson's followed that of Dr. Cox, &c. &c. Cranmer's answers are apparently written and signed by himself; as likewise are Bonner's; those of the bishop of Rochester are not signed, those of the archbishop of York are signed but not written by himself. Those of Leighton are not written in the same hand in which they are signed, and are countersigned T. Cantuarien.]

the Greek *mysterium*, which word signifieth a secret, or hid thing.

Thomas Robertson.

Ad quæstiones.

Ad primam respondeo, vocem sacramenti, hactenus mihi in sacris literis non reperiri in hâc significatione, nisi quâtenus ad matrimonium applicatur a Paulo, ubi tamen Græce habetur mysterium: et proinde ex meris scripturis expresse diffiniri non posse. Dr. Robertson, [fol. 104.]

I find no definition of this word sacrament in the scripture; nor likewise of this word *gratia*, or *lex*, with innumerable more; and yet what they signify, it is known; so the signification of this word sacrament is plain, that it is nothing else but a secret hid thing, or any mystery. Dr. Rednayn, [fol. 110.]

I find not in scripture the definition of a sacrament, nc what a sacrament is. Dr. Cox, [fol. 115.]

203 *Edwardus Leyghton.*

Responsions unto the questions.

To the first question, I say; That in holy scripture I never found, nor I think there is no man that can find a definition or description of this word *sacramentum;* howbeit in the Greek tongue it is called *misterium;* which is as much to say in English, as a mistery, a secret, or a hid thing. Dr. Leyghton, [fol. 116.]

This word sacrament in scripture is not defined. Dr. Symmons, [fol. 120.]

I say this word sacrament, taken in his common signification, betokeneth a mystery, and hid, or a secret thing: but if ye understand it in his proper signification, as we use to apply it only to the seven sacraments, the scripture sheweth not what a sacrament is. And yet lest any man might be offended, thinking, that because the scripture sheweth not what a sacrament is, therefore the same is a light thing, or little to be esteemed: here may be remembered, that there are some weighty and godly things, being also of our belief, which the scripture sheweth not expressly what they are. As for example; we believe the Son is consubstantial to the Father: *Item;* that the Father is unbegotten, yet the scripture sheweth not what is consubstantial, nor what is unbegotten, nother maketh any mention of the words. Likewise it is true, baptism is a sacrament, penance is a sacrament, &c. yet the scripture sheweth not what a sacrament is. Dr. Treshain, [fol. 124.]

Dr. Coren, [fol. 128.] *Ad primam;* I do read no definition of this word *sacrament* in scripture; but sometimes it is used in scripture, to signify a thing secret or hid.

Dr. Edgworth, [fol. 130.] Like as *angelus, cœlum, terra,* be spoken of in scripture, yet none of them defined: so although *sacramentum* be spoken of in scripture, yet it hath no definition there, but is taken divers ways, and in divers significations.

Dr. Oglethorp, [fol. 133.] Non habetur in scripturis, quid sacramentum proprie sit, nisi quod subinde mysterium dicitur: varia enim, et in scripturis, et in ecclesiasticis scriptoribus reperitur ejus nominis significatio; ideoque diffiniri non potest.

Convenit, [fol. 134.] In primo articulo conveniunt omnes, *non satis constare ex scripturâ, quid sit sacramentum;* plerique tamen dicunt Græce appellari, Mysterium, a secret, or a hid thing.

Agreement, [fol. 141.] In the answer unto the first question, they do all agree, that it is not evident by scripture, what a sacrament is, but *mysterium,* that is, a secret, or a hid thing[18].

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2. Question.

What a sacrament is by the ancient authors?

Answers.

Canterbury, [fol. 71.] THE ancient doctors call a sacrament, *sacræ rei signum,* or, *visibile verbum, symbolum, atque pactio quâ sumus constricti.*

York, [fol. 75.] To the second; Of St. Augustine's words, this description following of a sacrament may be gathered; *Sacramentum est invisibilis gratiæ visibilis forma.* And this thing, that is such visible form or sign of invisible grace in sacraments, we find in scripture, although we find not the word sacrament, saving only in the sacrament of matrimony.

Rochester, [fol. 87.] I think that this word sacrament, as it is taken of the old authors, hath divers and sundry significations, for sometime it

[18] The agreement at the end of these questions is in Cranmer's hand. Cotton Library, Cleopatra, E. v. [S.]

is extended to all holy signs, sometime to all mysteries, sometimes to all allegories, etc.

To the second; I find in authors this declaration, *Sacramentum est sacræ rei signum.* Also, *Invisibilis gratiæ visibilis forma.* Also, *Visibilis forma invisibilis gratiæ imaginem gerens et causa existens.* And of the verity and goodness of this description or declaration, I refer me to the divines, better acquainted with this matter than I am. London, [fol. 91.]

Thomas Waldensis, which writeth a solemn work *de Sacramentis*, causeth me to say, that this word *sacramentum in communi*, is defined of the ancient authors; which after that he had shewed how that Wyclefe, and before him Berengarius had said, that saint Augustine defineth *sacramentum* thus: *Sacramentum est sacrum signum;* and *signum* in this wise, Carlisle, [fol. 93.]

204 *Signum est res præter speciem quam sensibus, ingerit aliquid aliud ex se faciens in cogitationem venire.* He himself, with ancient authors, as he saith, defineth it thus; *Sacramentum est invisibilis gratiæ visibilis forma, vel, Sacramentum est sacræ rei signum.* Both these descriptions (saith he) be of the ancient fathers. [De doctrinâ Christianâ.]

The ancient doctors take this word *sacramentum*, diversly, and apply it to very many things. Dr. Day, [fol. 99.]

Sacramentum a vetustioribus, quemadmodum fert Hugo de Victore, et Thomas de Aquino, nondum reperi diffinitum, nisi quod Augustinus, interdum vocet sacramenta, sacra signa aut signacula, interdum similitudines earum rerum, quarum sunt sacramenta. Et Rabanus, Sacramentum dicitur, quod sub tegumento rerum corporalium, virtus divina secretius salutem eorundem sacramentorum operatur, unde et a secretis virtutibus vel sacris sacramenta dicuntur. Dr. Robertson, [fol. 104.]

Generally it is taken to signify every secret mystery, and *sacramenta* be called, *sacrarum rerum signa*, or *sacra signacula:* and as this word sacrament particularly is attributed to the chief sacraments of the church, this definition of a sacrament may be gathered of St. Austin. *Invisibilis gratiæ visibilis forma.* And also that a sacrament is a mystical or secret work which consisteth *ex verbo et elemento.* And Cypryan saith, *Verborum solennitas et sacri invocatio nominis, et signa institutionibus apostolicis sacerdotum ministeriis attributa,* Dr. Redmayn, [fol. 110.]

visibile celebrant sacramentum, rem vero ipsam Spiritus Sanctus format et efficit.

Dr. Cox, [fol. 115.] The ancient authors commonly saith, That a sacrament is *sacræ rei signum,* or *sacrosanctum signaculum;* but they do not utterly and properly define what it is.

Dr. Leyghton, [fol. 116.] To the second I say; that Hugo de Sancto Victore is one of the most ancient authors that ever I could perceive took upon him to define or describe a sacrament: howbeit, I suppose, that this common description which the schoolmen use, after the Master of the Sentences, videlicet, *Sacramentum est invisibilis gratiæ visibilis seu sensibilis forma,* may be gathered of saint Austin, and divers other ancient authors' words, in many places of their works.

Dr. Symmons, [fol. 120.] The ancient authors of divinity useth this word sacrament in divers significations, for they call it *misterium;* and so the scripture useth it in many places, as primo Timothei iii°. 205
Tobie duodecimo, Sapientiæ secundo, Danielis ii°. Ephesios primo et tertio. This word sacrament is also used for a figure or a sign of the Old Testament, signifying Christ, as the paschal lamb, and the brasen serpent, and divers other holy signs. It is also taken of holy authors, to be an holy sign, which maketh to the sanctification of the soul, given of God against sin for our salvation, as it may be gathered of them; for this word sacrament is called of them *sacrum signum;* but I have not read any express definition common to all sacraments.

Dr. Tresham, [fol. 124.] This word sacrament, in the ancient authors, is oft-times used in his general signification, and so (as is before said) it is a mystery, or secret thing; and some time the same word is used as appliable only unto the seven sacraments; and is thus described, A visible form of an invisible grace: and thus also, a thing by the which, under the covering of visible things, the godly power doth work our health.

Dr. Coren, [fol. 128.] *Ad secundam;* I do find no definition plainly set forth in old authors; notwithstanding this definition, *Invisibilis gratiæ visibilis forma,* may be gathered out of saint Augsten.

Dr. Edgworth, [fol. 130.] By the ancient authors, *sacramentum* hath many significations, some time it is called a secret counsel, Tob. xii°. *Sacramentum regis abscondere bonum est.* Nabuchodonosor's dream

was called *sacramentum*, Dan. ii°. The mystery of Christ's incarnation, and of our redemption is so called, Eph. iii°. and 1 Timo. iii°. so that every secret thing having some privy sense or signification, is called *sacramentum*, generally extending the vocable: notwithstanding in one signification, *sacramentum*, accordeth properly to them that be commonly called the seven sacraments; and hath this definition taken of St. August. and others, *Invisibilis graciæ visibilis forma, ut ipsius imaginem gerat et quodammodo causa existat.*

Ex Augustino et aliis colligitur, Sacramentum posse dici, sacræ rei signum, vel, invisibilis gratiæ visibilis forma, quanquam hæc posterior diffinitio non conveniat omnibus sacramentis, scil. tantum septem istis usitatis; sed nec hiis quoque ex æquo, cum non æqualem conferant gratiam. Dr. Oglethorp, [fol. 133.]

In secundo articulo conveniunt omnes, *sacramentum esse sacræ rei signum.* Tresham, Oglethorpus, et Edgeworth, dicunt hanc diffinitionem, *Sacramentum est invisibilis gratiæ visibilis forma, his septem convenire.* Thurlebeus ait, non convenire omnibus septem, et æque pluribus posse attribui atque septem. Convenit, [fol. 134.] Non Convenit.

In the second they put many descriptions of a sacrament, as the sign of a holy thing, a visible word, &c. But upon this one definition, A sacrament is a visible form of invisible grace, they do not all agree: for doctor Edgworth, Tresham, and Oglethorp say, *That it [is] appliable only and properly unto this word sacrament, as it signifieth the seven sacraments usually received.* My lord elect of Westminster saith, That *it agreeth not unto all the seven, nor yet more specially unto the seven, than unto any other.* Agreement, [fol. 141.]

206 3. Question.

How many sacraments there be by the scripture?

Answers.

THE scripture sheweth not how many sacraments there be. But *incarnatio Christi* and *matrimonium* be called in the scripture *mysteria*, and therefore we may call them by the Canterbury, [fol. 71.]

scripture *sacramenta*. But one *sacramentum* the scripture maketh mention of, which is hard to be revealed fully, as would to God it were, and that is, *mysterium iniquitatis*, or *mysterium meretricis magnæ et bestiæ*.

York, [fol. 75.] To the third; In scripture we find no precise number of sacraments.

Rochester, [fol. 87.] I think that in the scripture be innumerable sacraments, for all mysteries, all ceremonies, all the facts of Christ, the whole story of the Jews, and the revelations of the Apocalypse, may be named sacraments.

London, [fol. 91.] To the third; I find not set forth the express number, with express declaration of this many and no more; ne yet of these expressly by scripture which we use, especially under the name of sacraments, saving only of matrimony.

Carlisle, [fol. 93.] The certain number of sacraments, or mysteries, contained within scripture, cannot be well expressed or assigned; for scripture containeth more than infallibly may be rehearsed.

Dr. Day, [fol. 99.] Taking for sacraments every thing that this word *sacramentum* doth signify, there be in scripture a great number of sacraments more than seven.

Dr. Robertson, [fol. 104.] De istis septem, quæ usitate vocamus sacramenta, nullum in scripturis invenio nomine sacramenti appellari, nisi matrimonium.

Matrimonium esse sacramentum, probat Eckius, Hom. lxxiii. et conferre gratiam, ibidem.

Dr. Redmayn, [fol. 110.] As many as there be mysteries, which be innumerable; but by scripture, I think, the seven which be named sacraments may principally bear the name.

Dr. Cox, [fol. 115.] Tob. xii. Dani. ii. Ephe. iii. There be divers sacraments by the scripture, as in Tobie, *sacramentum regis*, the king's secrets. Also Nabuchodonosor's dream is called *sacramentum*. *Incarnatio Christi, sacramentum, matrimonium, sacramentum.*

Dr. Leyghton, [fol. 116.] To the third; I say, that I find not in scripture any of these seven which we commonly call sacraments, called *sacramentum*, but only *matrimonium*. But I find divers and many other things called sacraments in scripture, as in the xiith of Tobie, *Sacramentum regis abscondere bonum est. Item*, Apoc. xvii. *Dicam tibi sacramentum. Item*, 2° ad Timo. iii°. *Magnum est pietatis sacramentum, &c.*

Dr. Symmons, [fol. 120.] In the scripture there is no certain number of sacraments.

I find no more of the seven, called expressly sacraments, but

only matrimony; but extending the name of sacrament in his most general acception, there are in scripture a great number of sacraments, whereof the apostle saith, *Si noverim mysteria omnia, etc.* Dr. Tresham, [fol. 124.]

I cannot tell how many sacraments be by scripture, for they be above an hundred. Dr. Coren, [fol. 128.]

Speaking of sacraments generally, they be innumerable spoken of in scripture; but properly to speak of sacraments, there be but seven that may be so called, of which matrimony is expressly called *sacramentum,* Eph. v°. and, as I think, in the germane and proper signification of a sacrament; so that the indivisible knot of the man and his wife in one body, by the sacrament of matrimony, is the matter of this sacrament; upon which, as on the literal verity the apostle foundeth his allegory saying, *Ego autem dico in Christo, et in ecclesiâ;* for the mystical sense presupposeth a verity in the letter on which it is taken. Six more there be to which the definition doth agree, as manifestly doth appear by the scriptures, with the exposition of the ancient authors. Dr. Edgworth, [fol. 130.]

Non habetur determinatus sacramentorum numerus in scripturis, sunt enim innumera fere illic, quæ passim vocantur sacramenta; cum omnis allegoria, omneque mysterium, dicatur sacramentum. Quin et somnia, ac secreta, subinde sacramenta vocantur. Tobie ii°. Sacramentum regis abscondere bonum est; et Danielis ii°. Imploremus misericordias Dei cœli super sacramento isto, et somnio. Paulus etiam Ephes. ii°. vocat mysterium incarnationis Christi sacramentum: et in Apoc. Ioan. vocat sacramentum septem stellarum. At hoc præcipue ob- Dr. Ogle-thorp, [fol. 133.]
207 servandum venit nullum e septem sacramentis receptis hoc nomine appellari, præter solum matrimonium.

In tertio conveniunt satis: non esse certum numerum sacramentorum per scripturas. *Redmanus addit,* But by scripture I think the seven which be named sacraments, may principally bear the name. *Idem sentit Edgeworth, E septem tantum matrimonium in scripturis haberi sub nomine sacramenti plerique dicunt.* Convenit, [fol. 134.] Convenit.

In the third they do agree, that there is no certain number of sacraments by scripture, but even as many as there be mysteries; and none of these seven called sacraments, but only matrimony in scripture. Agreement, [fol. 141.]

4. Question. 208

How many sacraments there be by the ancient authors?

Answers.

Canterbury, [fol. 71.] BY the ancient authors there be many sacraments more than seven, for all the figures which signified Christ to come, or testify that he is come, be called sacraments, as all the figures of the old law, and in the new law, *Eucharistia, baptismus, pascha, dies Dominicus, lotio pedum, signum crucis, chrisma, matrimonium, ordo, sabbatum, impositio manuum, oleum, consecratio olei, lac, mel, aqua, vinum, sal, ignis, cineres, adapertio aurium, vestis candida,* and all the parables of Christ, with the prophecies of the Apocalypse, and such other, be called by the doctors *sacramenta.*

York, [fol. 75.] To the fourth; There is no precise number of sacraments mentioned bythe ancient authors, taking the word sacrament in his most general signification.

Rochester, [fol. 87.] I think that in the doctors be found many more sacraments than seven, viz. *panis cathecumenorum, signum crucis, oleum, lac, sal, mel, etc.*

London, [fol. 91.] To the fourth; I find that saint Austin speaketh, *de baptismo, de eucharistiâ, de matrimonio, de ordinatione clericorum, de sacramento crismatis et unctionis:* also I find in the said saint Austin, that in the old law there were many sacraments, and in the new law few.

Carlisle, [fol. 93.] That scripture containeth, by the same Holy Ghost which is author thereof, the holy doctors, and ancient fathers expoundeth; so that where in scripture the number of sacraments is uncertain, it cannot be among them certain.

Dr. Day, [fol. 99.] There be a great sort of sacraments found in the doctors, after the acception above-said, more than seven.

Dr. Robertson, [fol. 104.] Apud Augustinum lego sacramentum nuptiarum, sacramentum baptismi, sacramentum eucharistiæ, quod et altaris sive panis vocat; sacramentum ordinationis; sacramentum chrismatis, quod datur per manûs impositionem baptizatis; sacramentum unctionis [sacramentum pœnitentiæ apud Cyprianum[19]].

Dr. Redmayn, [fol. 110.] Taking this word sacrament universally for mysteries, or all secret tokens, there be more sacraments than can be 209

[19] [These words have a line drawn through them in the MS.]

reckoned; but the seven by old authors may specially obtain the name. *Lotio pedum* is spoken of in old authors as a special sacrament used then in the church, and as it appeareth, having a great ground on the scripture; and I think it were better to renew that again, and so to have eight sacraments, rather than to diminish the number of the seven now used.

I find in the ancient authors, that baptism is called *sacramentum, eucharistia sacramentum, matrimonium sacramentum, ordo sacramentum, chrisma sacramentum, impositio manuum post baptisma sacramentum, dilectio sacramentum, lotio pedum sacramentum, oleum, mel, lac, sacramenta;* and many other. Dr. Cox, [fol. 115.]

To the fourth, I say; That I find in ancient authors every one of these seven, which we call commonly sacraments, called *sacramentum;* as in Austin every one of them is called *sacramentum* but only penance; which Ciprianus calleth *sacramentum.* Also I find in the ancient authors divers other things (beside these seven) called sacraments, as *lotionem pedum* in Ciprian, &c. Dr. Leyghton, [fol. 116.]

The ancient authors knowledgeth many more than seven: for they call in their writings all rites and ceremonies sacraments. Dr. Symmons, [fol. 120.]

Generally, as many as mysteries. Specially seven, and no more of like nature to them; for although I find not express mention where penance is called a sacrament, yet I think it may be deduced and proved by Ciprian in his sermon *de Passione Christi*, in these words; *Denique quicunque sint sacramentorum ministri, per operationem autoritas in figurâ crucis omnibus sacramentis largitur effectum, et cuncta peragit nobis quod omnibus nominibus eminet a sacramentorum vicariis invocatum; at licet indigni sint qui accipiunt, sacramentorum tamen reverentia et propinquiorem ad Deum parat accessum, et ubi redierint ad cor constat ablutionis donum, et redit effectus munerum, nec alias quæri aut repeti necesse est salutiferum sacramentum;* in these words, *redit effectus munerum:* and *nec alias repeti necesse est salutiferum sacramentum*, must needs be understanded penance, and also that penance is a sacrament: for as our first access to God is by the sacrament baptism, which Ciprian there following called *ablutionem primam*; so if we fall by deadly sin, we cannot repete Dr. Tresham, [fol. 124.]

God again, but by penance; which repeting by penance, Ciprian calleth *salutiferum sacramentum.*

Dr. Coren, [fol. 128.] *Ad quartam;* More sacraments be found in old authors than seven.

Dr. Edgworth, [fol. 130.] Even like as to the next question afore.

Dr. Oglethorp, [fol. 133.] Apud scriptores ecclesiasticos reperiuntur multo plura sacramenta quam hæc septem.

Convenit, [fol. 134.] *In quarto conveniunt,* plura esse sacramenta quam septem apud authores: *Redman addit;* But the seven, by old authors, may specially obtain the name. *Idem putat* Edgworth, Tresham. And *Lotio pedum,* he thinketh were better to be renewed, and so made eight sacraments, than the number of the seven to be diminished. *Treshamus citat Cyprianum in Sermone de Passione Christi pro pœnitentiâ, quod dicatur sacramentum, cum alii fere omnes nusquam appellari aiunt sacramentum apud authores, et hic locus aperte agit de baptismo, quod vocat donum ablutionis, et salutiferum sacramentum.*

Agreement, [fol. 141.] In the fourth they agree, That there is no determinate 210
number of sacraments spoken of in the old authors; but that my lord of York, Mr. Edgworth, Tresham, Redman, Crayforde, and Symons, say, That those seven by old authors, may specially obtain the name of sacraments. The bishop of S. David saith, That there be but four sacraments in the old doctors most chiefly spoken of, and they be baptism, the sacrament of the altar, matrimony and penance.

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5. Question.

Whether this word sacrament be and ought to be attributed to the seven only? And whether the seven sacraments be found in any of the old authors or not?

Answers.

Canterbury, [fol. 71.] I KNOW no cause why this word sacrament should be attributed to the seven only; for the old authors never prescribe any certain number of sacraments, nor in all their books I never read these two words joined together, viz. *septem sacramenta.*

To the fifth; To the first part of this question. This word sacrament is used and applied in scripture to some things that be none of the seven sacraments. To the second part; The seven sacraments be found in some of the ancient authors. York, [fol. 75.]

I think that the name of a sacrament is and may be attributed to more than seven, and that all the seven sacraments be found in the old authors, though all peradventure be not found in one author. But I have not read penance called by the name of a sacrament in any of them. Rochester, [fol. 87.]

To the fifth, I answer; That this word sacrament in our language commonly hath been attribute to the seven customably called sacraments, not for that yet, that the word sacrament cannot be applied to any more, or for that they be no more, but for that the seven have been specially of very long and ancient season received, continued and taken for things of such sort. London, [fol. 91.]

Certain it is, that this word sacrament nother is nor ought to be attributed to seven only, for both scripture and ancient authors otherwise applieth it; but yet nothing letteth, but that this word sacrament may most especially, and in a certain due preeminence, be applied to the seven sacraments, of most ancient name and usage among Christian men. And that the ancient authors hath so used and applied it, affirmeth the said Thomas Walden, convincing Wyclefe and Berengarius, which enforced the contrary; from Ciprian, also Augustine, with other holy doctors, they may so well be gathered. Carlisle, [fol. 93.]

This word, *sacramentum*, neither is nor ought to be so attributed unto these seven, but that it is and may be attributed to many more things, and so the ancient doctors use it. The seven sacraments be found in ancient doctors under the name of sacrament, saving that I remember not that I have read in them penance called a sacrament. Dr. Day, [fol. 99.]

Vocabulum, sacramenti, in sacris literis, nulli sacramentorum quod sciam tribuitur, nisi matrimonio: a vetustis scriptoribus tribuitur ceremoniis et umbris legis, incarnationi Christi, figuris,
211 allegoriis, et festivitatibus: apud Paulum legitur divinitatis, voluntatis divinæ, et pietatis sacramentum. Cæterum loquendo de sacramentis his, quæ sunt invisibilis gratiæ collatæ in ecclesiâ Christi visibilia signa, opinor non plura quam septem inveniri, Dr. Robertson, [fol. 104.]

hisque magis proprie quam reliquis, sub hâc ratione, tribui nomen sacramenti.

Dr. Redmayn, [fol. 110.] To the seven specially and principally, and in general to innumerable more.

I cannot tell whether in any old author might be found these two words, seven sacraments, or this number limited; but every one of the seven sacraments, one by one, be found in the old authors.

Dr. Cox, [fol. 115.] This word sacrament is not, ne ought not to be attribute to these seven only.

Dr. Leyghton, [fol. 116.] To the fifth I say, first, (as before) that this word *sacramentum*, is not applied or attributed in holy scripture to any of these seven, but only to matrimony. But it is attributed in scripture, and ancient authors, to many other things beside these. Howbeit, taking this word, *sacramentum*, for a sensible sign of the invisible grace of God given unto Christian people, as the schoolmen and many late writers take it; I think that these seven commonly called sacraments, are to be called only and most properly sacraments[20].

Dr. Symmons, [fol. 120.] This word, sacrament, is not only to be attributed to the seven; but for that the seven sacraments especially conferreth grace, the old authors especially accounteth them by the number of seven; and these seven are found in authors and scriptures, although they be not found by the name of seven.

Dr. Tresham, [fol. 124.] I say, this word sacrament is attributed to the seven; and that the seven sacraments are found in the ancient authors.

Dr. Coren, [fol. 128.] This word sacrament may well be attributed to the seven; and so it is found in old authors, saving that I do not read expressly in old doctors, penance to be under the name of a sacrament, unless it be in Chrysostome, in the exposition *ad Hebræos, Homilia* xx. sect. 1. ca. 10^mi. *in principio*.

Dr. Edgworth, [fol. 130.] *Sacramentum*, in his proper signification, is and ought to be attributed to the seven only; and they be all seven found in the authors.

Dr. Oglethorp, [fol. 133.] Nomen commune est multis aliis rebus, quam septem istis usitatis sacramentis.

Septem sacramenta, seorsum et sparsim reperiuntur in veterum monumentis.

[20] [Here follows a line and a half scratched out.]

212 In quinto præter Herfordens. Roffens. Dayum, Oglethorpum, Menevens. et Coxum, *putant omnes nomen sacramenti præcipue his septem convenire.* Symons addit, *The seven sacraments specially confer grace;* Eboracens. Curren, Tresham, Symons, aiunt septem sacramenta inveniri apud veteres, quanquam Curren et Symons mox videntur iterum negare. Non Convenit, [fol. 134.]

In the fifth; The bishops of Hereford and S. David, Mr. Day, Mr. Coxe, say, that this word sacrament, in the old authors, is not attributed unto the seven only, nor ought not to be attributed. The bishop of Carlile alleging Waldensis. Mr. Curren, Edgworth, Symons, Tresham, say, that it is and may be attributed. And Mr. Curren and Mr. Simons, seem to vary against themselves each in their own answers; for Mr. Curren saith, that this word sacrament is attributed unto the seven in the old doctors, and yet he cannot find that it is attributed unto penance. Mr. Symons saith, that the old authors account them by the number of seven; and yet he saith, that they be not found there by the name of seven. Dissent, [fol. 141.]

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6. Question.

Whether the determinate number of seven sacraments be a doctrine, either of the scripture, or of the old authors, and so to be taught?

Answers.

THE determinate number of seven sacraments is no doctrine of the scripture, nor of the old authors. Canterbury, [fol. 71.]

To the sixth; The scripture maketh no mention of the sacraments determined to seven precisely; but the scripture maketh mention of seven sacraments, which be used in Christ's church, and grounded partly in scripture; and no more be in use of the said church but seven so grounded; and some of the ancient doctors make mention of seven, and of no more than seven, as used in Christ's church so grounded; wherefore a doctrine may be had of seven sacraments precisely used in Christ's church, and grounded in scripture. York, [fol. 76.]

Albeit the seven sacraments be in effect found both in the Rochester, [fol. 87.]

scripture, and in the old authors, and may therefore be so taught; yet I have not read this precise and determinate number of seven sacraments, neither in the scripture, nor in the 213
ancient writers.

London, [fol. 91.] To the sixth; I think it be a doctrine set forth by the ancient fathers, one from another, taking their matter and ground out of scripture, as they understood it; though scripture, for all that, do not give unto all the seven the special names by which now they are called, nor yet openly call them by the name of sacrament, except only (as is aforesaid) the sacrament of matrimony.

Carlisle, [fol. 93.] By that is here before said, I think it doth well appear, that both the scripture of God, and holy expositors of the same, would have the seven sacraments both taught, and in
[fol. 94.] due form exhibited to all Christian people, as it shall also better appear by that followeth.

Dr. Day, [fol. 99.] Neither the scripture, nor the ancient authors, do recite the determinate number of the seven sacraments; but the doctrine of the seven sacraments is grounded in scripture, and taught by the ancient authors, albeit not altogether.

Dr. Robertson, [fol. 105.] In scripturâ tantum unum ex istis septem, sacramentum vocari invenio, nimirum matrimonium: apud veteres reperiuntur omnia hæc septem, a nullo tamen, quod sciam, nomine 7. sacramentorum celebrari, nisi quod Eras. ait 7. a veteribus recenseri: Augustinus loquens de sacramentis ad Januarium epist. 118. ait numerum septenarium tribui ipsi ecclesiæ propter instar universitatis; item objectum fuisse Huso in concilio Constantienti quod infideliter senserit de septem sacramentis. De perfectione num. septenarii, vide Augustini lib. i. de Civit. cap. 31.

Dr. Redmayn, [fol. 110.] I think, as I find by old authors, the ancient church used all these seven sacraments; and so I think it good to be taught.

Dr. Cox, [fol. 115.] These that we call the seven sacraments, be found in old authors, although some of them be seldom found called by this name sacrament.

This determinate number seven sacraments is no doctrine of scripture, ne of the old authors, nor ought not to be taught as such a determinate number by scripture and old authors.

Dr. Leyghton, To the sixth, I say as before, That the old authors call each 214

of these seven, *sacramentum*; but be it[23], I cannot remember that ever I read the determinate, precise, and express number of seven sacraments in any of the ancient authors, nor in scripture. Howbeit we may find in scripture[24], *and the old authors also*, mention made, and doctrine of each of these seven, commonly called sacraments. [fol. 116.]

Forasmuch as the scripture teacheth these seven, and sheweth special graces given by the same, the which are not so given by other, called sacraments, the old authors perceiving the special graces, have accounted them in a certain number, and so have been used by doctors to be called seven, and without inconvenience may so be taught. Dr. Symmons, [fol. 120.]

I say, the determinate number of seven is not expressly mentioned in the scripture, like as the determinate number of the seven petitions of the *Pater Noster* is not expressly mentioned; and as I think the seven petitions to have their ground in scripture, even so do I think of the seven sacraments, to be grounded in scripture. Dr. Tresham, [fol. 124.]

The determinate number of seven is a doctrine to be taught, for every one of them be contained in scripture, though they have not the number of seven set forth there, no more than the petitions of the *Pater Noster* be called seven, nor the Articles of the Faith be called twelve. Dr. Coren, [fol. 128.]

The determinate number of seven sacraments is not taught in any one process of the scripture, nother of any one of the old authors of purpose speaking of them altogether, or in one process, as far as I can remember; albeit they all seven be here and there spoken of in scripture manifestly, and so have the old authors left them in sundry places of their writings; and so it ought to be taught. Dr. Edgworth, [fol. 130.]

Septenarius sacramentorum numerus, doctrina est recentium theologorum; quam illi partim ex scripturâ, partim ex veterum scriptis, argute in sacrum hunc (ut aiunt) numerum, collegerunt. Dr. Oglethorp, [fol. 133.]

Priori parti quæstionis *negative respondent*, Herefordens. Menevens. Roffens. Dayus, Duresme, Oglethorpus, Thurleby: posteriori parti, *quod sit doctrina conveniens, respondent affir-* [Non Convenit, fol. 134.]

[23] [*howbeit* was written and the writer scratched out *how* and substituted *but*, accidentally leaving the words *be it*.]

[24] [*and the old authors also*, is added above the line.]

Non convenit. *mative* Eboracens. Roffens. Carliolens. Londoniens. Dayus, Edgworth, Redman, Symons, Curren: Londoniens. et Redmanus *non respondent priori parti quæstionis, nec Oglethorpus, Tresham, Robensonus posteriori.* Eboracens. Londoniens.

Non convenit. Symons, Curren, volunt *e scripturis peti doctrinam septem sacramentorum.*

Agreement, [fol. 141.] In the sixth, touching the determinate number of the seven sacraments, the bishop of Duresme, Hereford, S. David, and Rochester, the elect of Westminster, Mr. Daie, and Mr. Oglethorpe say, *This prescribed number of sacraments is not found in the old authors.* The bishop of York, Mr. Curren, Mr. Tresham, and Symons, say the contrary. Concerning the second part, whether it be a doctrine to be taught? the bishops of Hereford, S. David, and Mr. Cox, *think it ought not to be so taught as such a determinate number by scripture.* The bishops of York, London, Carlile; Mr. Day, Curren, Tresham, Symons, Craiforde, *think it a doctrine meet to be taught:* and some of them say, that *it is founded in scripture.*

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7. Question.

What is found in scripture of the matter, nature, effect, and virtue of such as we call the seven sacraments; so as although the name be not there, yet whether the thing be in scripture or no? and in what wise spoken of?

Answers.

Canterbury, [fol. 71.] I FIND not in the scripture, the matter, nature, and effect of all these which we call the seven sacraments, but only of certain of them, as of baptism, in which we be regenerated and pardoned of our sin by the blood of Christ:

Of *eucharistia*, in which we be concorporated unto Christ, and made lively members of his body, nourished and fed to the 215
everlasting life, if we receive it as we ought to do, and else it is to us rather death than life.

Of penance also I find in the scripture, whereby sinners after baptism returning wholly unto God, be accepted again unto God's favour and mercy. But the scripture speaketh not of penance, as we call it a sacrament, consisting in three parts, contrition, confession, and satisfaction; but the scripture taketh

penance for a pure conversion of a sinner in heart and mind from his sins unto God, making no mention of private confession of all deadly sins to a priest, nor of ecclesiastical satisfaction to be enjoined by him.

Of matrimony also I find very much in scripture, and among other things, that it is a mean whereby God doth use the infirmity of our concupiscence to the setting forth of his glory, and increase of the world, thereby sanctifying the act of carnal commixtion between the man and the wife to that use; yea, [fol. 72.] although one party be an infidel: and in this matrimony, is also a promise of salvation, if the parents bring up their children in the faith, love, and fear of God.

Of the matter, nature, and effect of the other three, that is to say, confirmation, order, and extreme unction, I read nothing in the scripture, as they be taken for sacraments.

To the seventh; Of baptism, we find in scripture the York, institution by the word of Christ; we find also that the matter [fol. 76.] of baptism is water, the effect and virtue is remission of sins.

Of confirmation, we find that the apostles did confirm those that were baptized, by laying their hands upon them, and that the effect then was the coming of the Holy Ghost into them, upon whom the apostles laid their hands, in a visible sign of the gift of divers languages, and therewith of ghostly strength to confess Christ, following upon the same.

Of the sacrament of the altar, we find the institution by [fol. 77.] Christ, and the matter thereof, bread and wine, the effect, increase of grace.

Of the sacrament of penance, we find the institution in the gospel, the effect, reconciliation of the sinner, and the reunion of him to the mystical body of Christ.

Of the sacrament of matrimony, we find the institution both in the Old and New Testament, and the effect thereof, remedy against concupiscence and discharge of sin, which otherwise should be in the office of generation.

Of the sacrament of order, we find that our Saviour gave to his apostles power to baptize, to bind and to loose sinners, to remit sins, and to retain them, to teach and preach his word, and to consecrate his most precious body and blood, which be the highest offices of order; and the effect thereof, grace, we find in scripture.

Of extreme unction, we find in the Epistle of the holy apostle saint James, and of the effects of the same.

Rochester, [fol. 87.] The scripture teacheth of baptism, the sacrament of the altar, matrimony and penance manifestly: there be also in the scripture manifest examples of confirmation, viz. that it was done after baptism by the apostles, *per manuum impositionem*. The scripture teacheth also of order, that it was done, *per manuum impositionem cum oratione et jejunio*. Of the unction of sick men, the Epistle of saint James teacheth manifestly. 216

London, [fol. 91.] To the seventh, I find that saint Austin is of this sentence, that *where the sacraments of the old law did promise grace and comfort, the sacraments of the new law doth give it indeed*. And moreover he saith, that *the sacraments of the new law are*, facta faciliora, pauciora, salubriora, et feliciora, *more easier, more fewer, more wholesomer, and more happier*.

Carlisle, [fol. 94.] I think verily, that of the substance, effect, and virtue of these seven usual sacraments, as to be taken and esteemed above other, we have plainly and expressly by holy scripture. Of baptism, that whosoever believeth in Christ, and is christened, shall be saved; and except that one be born again of water and the Holy Ghost, he cannot come within the kingdom of God. Of matrimony, we have in scripture, both by name, and in effect, in the Old and New Testament, both by Christ and his apostle Paule. Of the sacrament of the altar, I find plainly, and expressly, both in the holy gospels, and other places of scripture. Of penance in like manner. Of confirmation we have in scripture, that when the Samaritanes, by the preaching of Philip, had received the word of God, and were christened, the apostles hearing of the same, sent Petre and Jhon unto them; which when they came thither, they prayed for them that they might receive the Holy Ghost: then they laid their hands upon them, and so they received the Holy Ghost; *This*, saith Bede, *is the office and duty of only bishops*. And *this manner and form*, (saith saint Hierome,) *as it is written in the Acts, the church hath kept, that the bishop should go abroad to call for the grace of the Holy Ghost, and lay his hands upon them, which had been christened by priests and deacons*. Of the sacrament of orders, we have, that Christ made his apostles the teachers

of his law, and ministers of his sacraments, that they should duly do it, and make and ordain other likewise to do it after them. And so the apostles ordained Mathy to be one of their number. Saint Paule made and ordained Timothy and Tyte, with other like. Of the sacrament of extreme unction, we have manifestly in the Gospel of Mark, and Epistle of Jeames.

Albeit the seven sacraments be not found in scripture expressed by name, yet the thing itself, that is, the matter, Dr. Day, [fol. 99.]
217 nature, effect and virtue of them is found there.

Of baptism in divers places;

Of the most holy communion;

Of matrimony;

Of absolution;

Of bishops, priests, and deacons, how they were ordained *per manuum impositionem cum oratione;*

Of laying of the apostles' hands of them that were christened, which is a part of confirmation:

Of unction of them that were sick, with prayer joined withal.

Materia sacramentorum est verbum et elementum, virtus quam Deus per illa digne sumentibus conferat gratiam, juxta suam promissionem, nimirum quod sint sacra signacula, *non tantum signantia, sed etiam sanctificantia.* Unde opinor constare hanc sacramentorum vim esse in sacris literis. Dr. Robertson, [fol. 105.]

As it appeareth in the articles which be drawn of the said seven sacraments. Dr. Redmayn, [fol. 110.]

I find in scripture, of such things as we use to call sacraments. First, Dr. Cox, [fol. 115.]

Of baptism manifestly.

Of *eucharistia* manifestly.

Of penance manifestly.

Of matrimony manifestly.

Of ordering, *per manus impositionem et orationem* manifestly.

It is also manifest, that the apostles laid their hands upon them that were christened.

Of the unction of the sick with prayer manifestly.

To the seventh, I say, That we may evidently find in scripture the substance of every one of the seven sacraments, the nature, effect, and virtue of the same; as of baptism, confirmation, penance, matrimony, and so forth of the rest. Dr. Leyghton, [fol. 116.]

Dr. Symmons, [fol. 120.] The things are contained in scripture, as baptism, confirmation, *eucharistia, pœnitentia, extrema unctio, ordo,* although they have not there this name *sacramentum,* as matrimony hath; and every one of them hath his matter, nature, effect and virtue.

Dr. Tresham, [fol. 125.] I think the thing, the matter, the nature, the effect, and virtue of them all be in the scripture, and all there institute by God's authority; for I think that no man nother the whole church, hath power to institute a sacrament, but that such institution pertaineth alonely to God.

Dr. Coren, [fol. 128.] Of the matter, nature, virtue, and effect, of such as we call sacraments scripture maketh mention: Of baptism manifestly. Of the most holy communion manifestly. Of absolution manifestly. Of matrimony manifestly.

Of bishops, priests, and deacons, scripture speaketh manifestly; for they were ordered, *per impositionem manuum presbiterii cum oratione et jejunio.*

Dr. Edgworth, [fol. 130.] In scripture we find of the form of the sacraments, as the words sacramental; and the matter, as the element, oil, creasme; and the patient receiving the sacrament; and of grace and increase of virtue given by them, as the effect.

Dr. Oglethorp, [fol. 133.] Natura, vis, effectus, ac uniuscujusque sacramenti proprietas, seorsum in scripturâ reperitur, ut veteres eam interpretati sunt.

[Non Convenit, fol. 135.] Conveniunt præter Menevens. naturam septem sacramentorum nobis tradi in scripturis. Eboracens. effectus singulorum enumerat, item Carliolens.

Londinens. non respondet quæstioni. Treshamus ait ideo e scripturis tradi nobis sacramenta, quoniam tota ecclesia non habet autoritatem instituendi sacramenta.

Agreement, [fol. 141.] In the seventh they do agree, saving this, That the bishop of S. David says, that *the nature, effect, and virtue of these four sacraments only, baptism, the sacrament of the altar, matrimony, penance, is contained in the scripture.* The other 218 say, that *the nature and the virtue of all the seven, be contained there.*

8. Question.

Whether confirmation, cum chrismate, *of them that be baptized, be found in scripture?*

Answers.

Of confirmation with chrism, without which it is counted no sacrament, there is no manner of mention in the scripture. [Canterbury, fol. 72.]

To the eighth; We find confirmation, *cum impositione manuum* in scripture, as before; *cum chrismate* we find not in scripture, but yet we find chrismation with oil used even from the time of the apostles, and so taken as a tradition apostolic. [York. fol. 78.]

Although confirmation be found in the scripture by example, as I said before, yet there is nothing written *de crismate.* [Rochester, fol. 87.]

To the eighth; I find in scripture, in many places, *de impositione manuum*, which I think (considering the usage commonly, and so long with all used) to be confirmation; and that with chreme, to supply the visible appearance of the Holy Ghost, which Holy Ghost was so visibly seen in the primitive church; nevertheless for the perfect declaration of the verity hereof, I refer it to the judgment of men of higher knowledge in this faculty. [London, fol. 91.]

The imposition of hands, the holy doctors take for the same which we call confirmation, done upon them which were christened before, whereof is written in the Acts. And as for *chrysma*, it should seem by Ciprian, both as touching the confection and usage thereof, that it hath a great ground to be derived out of scripture, though it be not manifestly therein spoken of. [Carlisle, fol 94.]

Confirmation *cum chrismate* I read not in scripture, but *impositionem manuum super baptisatos*, I find there, which ancient authors call confirmation; and inunction with *chrisma* hath been used from the primitive church. [Dr. Day, fol. 100.]

Res et effectus confirmationis continetur in scripturâ, nempe, impositio manuum per apostolos baptizatis, per quam dabatur Spiritus Sanctus. De chrismate nihil illic legimus, quod per id tempus Spiritus Sanctus signo visibili descenderit in baptiza- [Dr. Robertson, fol. 105.]

tos. *Quod ubi fieri desierit, ecclesia chrismate signi externi* loco uti cœpit.

Dr. Redmayn, [fol. 111.] The question is not simple, but as if it were asked, Whether *eucharistia in infermentato* be in the scripture, or *baptismus cum sale?* Imposition of the apostles' hands, in which was conferred the Holy Ghost for confirmation of them which were baptized, is found in scripture. *Chrisma* is a tradition deduced from the apostles, as may be gathered by scripture, and by the old authors, and the mystery thereof is not to be despised.

Dr. Cox, [fol. 115.] I find not in scripture, that the apostles laying their hands upon them that were baptized, did inoint them *chrismate.*

Dr. Leyghton, [fol. 117.] To the eighth question, I say, that confirmation of them that be baptized, is found in scripture, but *cum chrismate* it is not found in scripture, but it was used *cum chrismate* in the church soon after the apostles' time, as it may evidently appear by the ancient authors.

Dr. Symmons, [fol. 120.] Confirmation is found in scripture, and confirmation *cum chrismate,* is gathered from the old authors.

Dr. Tresham, [fol. 125.] I say, confirmation is found in scripture, but this additament, *cum chrismate,* is not of the scripture, yet is it a very ancient tradition, as appeareth by *Ciprian de unctione chrismatis.*

Dr. Coren, [fol. 128.] The laying of the bishop's hands upon them that be christened, which is a part of confirmation, is plainly in scripture; and the unction with creme, which is another part, hath been observed from the primitive church, and is called of Saint Aug. *sacramentum chrysmatis.* Unction of the sick with oil, and the prayer, is grounded expressly in scripture.

Dr. Edgworth, [fol. 130.] This sacrament is one, *unitate integritatis,* as some others be: therefore it hath two parts; of which one, that is, *impositio manuum,* is taken Heb. vi°. and Act. viii°. The other part, that is, creame, is taken of the tradition of the fathers, and so used from the primitive church. *Vid. Cyp.* 1°. *Ep. eplâ.* 12ª.

Dr. Oglethorp, [fol. 133.] De impositione manuum cum oratione, expressa mentio est 219 in scripturis, quæ nunc usitato nomine, a doctoribus dicitur, confirmatio. Sacrum chrysma, traditio est apostolica, ut ex veteribus liquet.

Convenit, [fol. 135.] Conveniunt omnes confirmationem cum chrismate non haberi

in scripturis. Eboracens. Tresham, Curen, Dayc, Oglestrope, Edgeworth, Leighton, Symons, Redman, Robertsonus, confirmationem in scripturis esse contendunt; cæterum chrisma esse traditionem apostolicam, addit Robertsonus; et ubi fieri desierat miraculum conferendi Spiritûs Sancti, ecclesia chrismate signi externi loco uti cœpit; convenit illi Londoniens.

Carliolens. putat usum chrismatis ex scripturis peti posse; putant omnes tum in hoc articulo, tum superiori, impositionem manuum esse confirmationem.

In the eighth they do agree all, except it be the bishop of Carlil, that *confirmatio cum chrismate* is not found in scripture, but only *confirmatio cum manuum impositione.* And 220 that also my lord of S. David denieth to be in scripture, as we call it a sacrament. My lord of Carlil saith, that *chrisma as touching the confection and usage thereof, hath a ground to be derived out of scripture.* The other say, that *it is but a tradition.*

Agreement, [fol. 141.]

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9. Question.

Whether the apostles lacking a higher power, as in not having a Christian king among them, made bishops by that necessity, or by authority given them by God?

Answers.

ALL Christian princes have committed unto them immediately of God the whole cure of all their subjects, as well concerning the administration of God's word, for the cure of soul, as concerning the ministration of things political and civil governance;

Canterbury, [fol. 72.]

And in both these ministrations, they must have sundry ministers under them to supply that, which is appointed to their several offices.

The civil ministers under the king's majesty, in this realm of England, be those whom it shall please his highness for the time to put in authority under him: as for example; the lord chancellor, lord treasurer, lord great master, lord privy-seal, lord admiral, majors, sheriffs, &c.

The ministers of God's word, under his majesty, be the bishops, parsons, vicars, and such other priests as be appointed

by his highness to that ministration: as for example, the bishop of Canterburye, the bishop of Duresme, the bishop of Winchester, the parson of Wynwicke, &c.

All the said officers and ministers, as well of the one sort as of the other, be appointed, assigned, and elected, and in every place, by the laws and orders of kings and princes.

In the admission of many of these officers, be divers comely ceremonies and solemnities used, which be not of necessity, but only for a good order and seemly fashion; for if such offices and ministrations were committed without such solemnity, they were nevertheless truly committed.

And there is no more promise of God, that grace is given in the committing of the ecclesiastical office, than it is in the committing of the civil office.

In the apostles' time, when there was no Christian princes, by whose authority ministers of God's word might be appointed, nor sins by the sword corrected, there was no remedy then for correction of vice, or appointing of ministers, but only the consent of Christian multitude among themselves, by an uniform consent, to follow the advice and persuasion of such persons whom God had most endued with the spirit of counsel and wisdom: and at that time, forasmuch as the Christian people had no sword, nor governor amongst them, they were constrained of necessity to take such curates and priests, as either they knew themselves to be meet thereunto, or else as were commended unto them by other that were so replete with the Spirit of God, with such knowledge in the profession of Christ, such wisdom, such conversation and counsel, that 221
they ought even of very conscience to give credit unto them, and to accept such as by them were presented: and so some
[fol. 73.] time the apostles and other, unto whom God had given abundantly his Spirit, sent or appointed ministers of God's word; some time the people did choose such as they thought meet thereunto; and when any were appointed or sent by the apostles or other, the people of their own voluntary will with thanks did accept them; not for the supremity, empire, or dominion, that the apostles had over them to command, as their princes and masters, but as good people, ready to obey the advice of good counsellors, and to accept any thing that was necessary for their edification and benefit.

To the ninth; We find in scripture, that the apostles used the power to make bishops, priests, and deacons; which power may be grounded upon these words: *Sicut misit me vivens Pater, sic ego mitto vos*, &c. And we verily think, that they durst not have used so high power, unless they had had authority from Christ; but that their power to ordain bishops, priests or deacons, by imposition of hands, requireth any other authority, than the authority of God, we neither read in scripture ne out of scripture. York. [fol. 78.]

I think that the apostles made bishops by authority given them from God. Rochester, [fol. 87.]

To the ninth; I think the apostles made bishops by the law of God, because, Actorum xx°. it is said, *In quo vos Spiritus Sanctus posuit:* nevertheless, I think if Christian princes had been then, they should have named by right, and appointed the said bishops to their rooms and places. London, [fol. 91.]

That Christ made his apostles, priests, and bishops, and that he gave them power to make other like, it seemeth to be the very trade of scripture. Carlisle, [fol. 94.]

The apostles made, that is to say ordained bishops by authority given them by God; *Sicut misit me vivens Pater, ita et ego mitto vos.* Dr. Day, [fol. 100.] Joan. xx.

Item Joan. ult°. et Act. xx. 1 Timo. iv.

Paulus ordinavit Timotheum et Titum, et præscribit quales illi debeant ordinare. 2 Timo. i°. Tit. i°.

Opinor apostolos autoritate divinâ creâsse episcopos et presbyteros, ubi publicus magistratus permittit. Dr. Robertson, [fol. 105.]

222 Christ gave his apostles authority to make other bishops and ministers in his church, as he had received authority of the Father to make them bishops; but if any Christian prince had then been, the apostles had been, and ought to have been obedient subjects, and would nothing have attempted, but under the permission and assent of their earthly governor: yet was it meet that they which were special and most elect servants of our Saviour Christ, and were sent by him to convert the world; and having most abundantly the Holy Ghost in them, should have special ordering of such ministry as pertained to the planting and increasing of the faith; whereunto I doubt not, but a Christian prince, of his godly mind, would most lovingly have condescended. And it is to be Dr. Redmayn, [fol. 111.]

considered, that in this question, with other like, this word, *making of a bishop, or priest,* may be taken two ways: for understanding the word, to ordain or consecrate, so it is a thing which pertaineth to the apostles and their successors only; but if by this word *making* be understanded the appointing, or naming to the office; so, it pertaineth specially to the supreme heads and governors of the church, which be princes.

Dr. Cox, [fol. 115.] Although the apostles had none authority to force any man to be priest, yet they, moved by the Holy Ghost, had authority of God to exhort and induce men to set forth God's honour, and so to make them priests.

Dr. Leyghton, [fol. 117.] To the ninth, I say, that the apostles (as I suppose) made bishops by authority given unto them of Christ: howbeit I think that they would and should have required the Christian princes consent and license thereto, if there had then been any Christian kings or princes.

Dr. Symmons, [fol. 120.] The apostles made bishops and priests, by authority given them of God.

Dr. Tresham, [fol. 125.] I say, that the apostles had authority of God to make bishops; yet if there had been a Christian king in any place where they made bishops, they would, and ought, to have desired authority also of him, for the executing of such their godly acts, which no Christian king would have denied.

Dr. Coren. [fol. 128.] The apostles made bishops and priests by authority given them of God: notwithstanding if there had been a Christian king at that time, it had been their duties, to have had his 223
license and permission to do the same.

Dr. Edgworth, [fol. 130.] The apostles made bishops and priests by authority given them of God, and not for lack of any higher power: notwithstanding where there is a Christened king, or prince, the election, deputation and assignation of them, that shall be priests or bishops, longeth to the king or prince, so that he may forbid any bishop within his kingdom, that he give no orders, for considerations moving him, and may assign him a time when he shall give orders, and to whom: example of king David, 1 Paral. xxiv^to^. dividing the Levites into 24^ty^ orders, deputing over every order one chief bishop, prescribing an ordinal and rule how they should do their services, in their courses: and what sacrifices, rites and ceremonies, they should

use every day, as the day and time required. And his son, king Salomon, diligently executed and commanded the same usages to be observed in the temple, after he had erected and finished it, 2 Paral. viii°.

Apostoli authoritate et mandato Dei, ordinabant ac instituebant episcopos, petitâ ac obtentâ prius facultate a principe ac magistratu (ut opinor) qui tum præerat. Dr. Oglethorp, [fol. 133.]

Omnes conveniunt apostolos divinitus accepisse potestatem creandi episcopos; Eboracens. addit, non opus fuisse aliâ authoritate apostolis quam divinâ: sic Therlbe et Edgeworthe, Redmanus distinguit de institutione presbiteri, ordinationem et consecrationem tribuit tantum apostolis et eorum successoribus, nominationem et electionem magistratibus: sic Londoniens. Leightonus, Redman, Tresham, Curren, aiunt potendam fuisse potestatem a magistratu Cristiano, si tum fuisset. Robertsonus non respondet quæstioni, concedit enim datam esse apostolis potestatem creandi episcopos ubi magistratus permittit. Oglethorpus putat eos impetrâsse potestatem a principibus: Convenit, [fol. 135.]

Carliolens. Roffens. Dayus, non respondent ultimæ parti.

In the ninth, touching the authority of the apostles in making priests, the bishop of York, the elect of Westminster, Dr. Edgworth, say, that *the apostles made priests by their own power, given them by God, and that they had no need of any other power.* The bishop of S. David saith, that *because they lacked a Christian prince, by that necessity they ordained other bishops.* Dr. Leighton, Curren, Tresham, and Redmayn, suppose, that *they ought to have asked license of their Christian governor, if then there had been any.* Agreement, [fol. 141.]

10. Question.

Whether bishops or priests were first? and if the priests were first, then the priest made the bishop.

Answers.

THE bishops and priests were at one time, and were no two things, but both one office in the beginning of Christ's religion. Canterbury, [fol. 73.]

York, [fol. 78.] To the tenth; we think that the apostles were priests afore they were bishops; and that the divine power which made them priests, made them also bishops; and although their ordination was not by all such course as the church now useth, yet that they had both visible and invisible sanctification, [fol. 79.] we may gather of the gospel, where it is written, *Sicut misit me Pater vivens, et ego mitto vos: et cum hæc dixit, insufflavit in eos et dixit, Accipite Spiritum Sanctum: Quorum remiseritis*, &c. And we may well think, that then they were made bishops, when they had not only flock, but also shepherds appointed to them to overlook, and a governance committed to them by the Holy Ghost to oversee both; for the name of a bishop is not properly a name of order, but a name of office, signifying an overseer. And although the inferior shepherds have also cure to oversee their flock, yet forsomuch as the bishops' charge is also to oversee the shepherds, the name 224
of overseer is given to the bishops, and not to the other; and as they be in degree higher, so in their consecration we find difference even from the primitive church.

Rochester, [fol. 88.] I find in the scripture, that Christ being both a priest and a bishop, ordained his apostles which were both priests and bishops: and the same apostles did afterward ordain bishops, and commanded them to ordain other.

London, [fol. 91.] To the tenth; I think the bishops were first, and yet I think it is not of importance, whether the priest then made the bishop, or the bishop the priest; considering (after the sentence of saint Jerome) *that in the beginning of the church there was none (or if it were, very small) difference between a bishop and a priest, especially touching the signification.*

Carlisle, [fol. 95.] Christ made his apostles exorcists, as it appeareth in the tenth of Matth. deacons, priests, and bishops, as partly there, and after, in the twenty of Jhon, *Quorum remiseritis, etc.* and where he said, *Hoc facite in meam commemorationem.* In the Acts, *Ceterorum nemo audebat se conjungere illis.* So that they were all these together; and so being according to the ordinance of Christ, which had made after them seventy-two other priests, as it appeareth in the tenth of Luke; they made and ordained also others the seven principal deacons, as it is shewed in the sixth of the Acts; where it is said, that they praying laid their hands upon them. In the thirteenth

of the Acts, certain there named at the commandment of the Holy Ghost, severed Saul and Barnabas to that God had taken them, fasting, praying, and laying their hands upon them; the which Saul, Ananias the disciple had baptized, laying his hand upon him, that he might be replenished with the Holy Ghost. And Paule so made, ordained Timothy and Tyte, willing them to do likewise as he had done, and appointed to be done from city to city. Jeames was ordained the bishop of Hierusalem, by Petre, Jhon, and Jeames. So that example otherwise we read not.

The apostles were both bishops and priests, and they made bishops, and bishops as Titus and Timotheus made priests. [Dr. Day, fol. 100.]

Episcopatum ejus accipiat alter. Act. i°.

Presbiteros qui in vobis sunt, obsecro et ego compresbiter. 1 Pet. v°.

And in the beginning of the church, as well that word *episcopus* as *presbiter*, was common and attributed both to bishops and priests. Philip i°. Act. xx°.

Incertus sum utri fuere priores, at si apostoli in primâ profectione ordinati erant, *apparet episcopos fuisse* priores, nempe apostolos, nam postea designavit Christus *alios septuaginta duos*. Nec opinor absurdum esse, ut sacerdos episcopum consecret, si episcopus haberi non potest. [Dr. Robertson, fol. 105.]

They be of like beginning, and at the beginning were both one, as saint Hierom and other old authors shew by the scripture, wherefore one made another indifferently. [Dr. Redmayn, fol. 111.]

Although by scripture (as S. Hierom saith) priests and bishops be one, and therefore the one not before the other: yet bishops, as they be now, were after priests, and therefore made of priests. [Dr. Cox, fol. 115.]

To the tenth ——— [Dr. Leyghton, fol. 117.]

Christ was and is the great high bishop, and made all his apostles bishops; and they made bishops and priests after him, and so hath it evermore continued hitherto. [Dr. Symmons, fol. 120.]

I say, Christ made the apostles first priests, and then bishops, and they by this authority made both priests and bishops; but where there had been a Christian prince, they would have desired his authority to the same. [Dr. Tresham, fol. 125.]

The apostles were made of Christ bishops and priests, both at the first; and after them *septuaginta duo discipuli* were made priests. [Dr. Coren, fol. 128.]

Dr. Edgworth, [fol. 130.] Christ our chief priest and bishop made his apostles priests and bishops all at once; and they did likewise make others, some priests, and some bishops: and that the priests in the primitive church made bishops, I think no inconvenience; as Jerome saith, in an Epistle *ad Evagrium*. Even like as soldiers should choose one among themselves to be their captain; so did priests choose one of themselves to be their bishop, for consideration of his learning, gravity, and good living, etc. and also for to avoid schisms among them by that, that some might draw the people one way, and others another way, if they lacked one head among them.

Dr. Oglethorp, [fol. 133. Utrique primum a Deo facti, apostoli, episcopi; septuaginta 225 discipuli (ut conjecturâ ducor) sacerdotes. Unde verisimile est episcopos præcessisse, apostoli enim prius vocati erant.

[Convenit, fol. 135.] Menevens. Therlebe, Redmanus, Coxus, asseruñt in initio eosdem fuisse episcopos et presbiteros. Londoniens. Carliolens. Symons, putant apostolos fuisse institutos episcopos a Christo, et eos postea instituisse alios episcopos et presbiteros, et septuaginta duos presbyteros postea fuisse ordinatos: sic Oglethorpus, Eboracens. et Tresham aiunt apostolos primum fuisse presbiteros, deinde episcopos, cum aliorum presbyterorum credita esset illis cura.

[fol. 136.] Robertsonus incertus est utri fuerunt priores, non absurdum tamen esse opinatur, ut sacerdos consecret episcopum, si episcopus haberi non potest. Sic Londoniens. Edgeworthe. Dayus putat etiam episcopos, ut vulgo de episcopis loquimur, fuisse ante presbyteros. Laightonus nihil respondet.

Agreem. [fol. 142.] In the tenth; where it is asked, whether bishops or priests were first? the bishop of S. David, my lord elect of Westminster, Dr. Coxe, Dr. Redmain, say, that *at the beginning they were all one.* The bishops of York, London, Rochester, 226 Carliol; Drs. Day, Tresham, Symons, Oglethorpe, be in other contrary opinions. The bishop of York, and doctor Tresham, think, *that the apostles first were priests, and after were made bishops, when the overseeing of other priests was committed to them.* My lords of Duresme, London, Carliol, Rochester, Dr. Simons, and Craiford, think, *that the apostles first were bishops, and they after made other bishops and priests.* Dr. Curren and Dr. Oglethorp say, *that the apostles were made bishops, and the seventy and two were after made priests.*

Dr. Daie thinketh, *that bishops as they be now-a-days called, were before priests.* My lord of London, Drs. Edgworth and Robertson, think *it no inconvenience, if a priest made a bishop in that time.*

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11. Question.

Whether a bishop hath authority to make a priest by the scripture, or no? And whether any other but only a bishop may make a priest?

Answers.

A BISHOP may make a priest by the scripture, and so may princes and governors also, and that by the authority of God committed them, and the people also by their election; for as we read that bishops have done it, so Christian emperors and princes usually have done it, and the people, before Christian princes were, commonly did elect their bishops and priests. Canterbury, [fol. 73.]

To the eleventh; that a bishop may make a priest, may be deduced of scripture; forsomuch as they have all authority necessary for the ordering of Christ's Church, derived from the apostles, which made bishops and priests, and not without authority, as we have said afore to the ninth question; and that any other than bishops or priests may make a priest, we neither find in scripture nor out of scripture. York, [fol. 79.]

The scripture sheweth by example, that a bishop hath authority to make a priest; albeit no bishop being subject to a Christian prince, may either give orders or excommunicate, or use any manner of jurisdiction, or any part of his authority, without commission from the king, which is supreme head of that church whereof he is a member; but that any other man may do it beside a bishop, I find no example, neither in scripture nor in doctors. Rochester, [fol. 88.]

To the eleventh, I think, that a bishop duly appointed hath authority, by scripture, to make a bishop, and also a priest: because Christ being a bishop did so make himself; and because also his apostles did the like. London, [fol. 91.]

By what is said before, it appeareth, that a bishop by scripture may make deacons and priests, and that we have none example otherwise. Carlisle, [fol. 95.]

Bishops have authority by scripture to ordain bishops and priests; Joan. xx. Dr. Day, [fol. 100.]

Tit. 1°. Act. xiv. *Hujus rei gratiâ reliqui te Cretæ ut constituas oppidatim presbiteros.*

Dr. Robertson, [fol. 106.] Opinor episcopum habere autoritatem creandi sacerdotem, 227 modo id magistratûs publici permissu fiat. An vero ab alio quam episcopo id rite fieri possit, haud scio, quamvis ab alio factum non memini me legisse. Ordinem conferre gratiam, vid. Ekium Homil. lx.

Dr. Redmayn, [fol. 111.] To the first part, I answer, yea; for so it appeareth Tit. i., 1 Tim. v. with other places of scripture. But whether any other but only a bishop may make a priest, I have not read, but by singular privilege of God, as when Moses (whom divers authors say was no priest) made Aaron a priest. Truth it is, that the office of a godly prince is to oversee the church, [fol. 112.] and the ministers thereof; and to cause them do their duty, and also to appoint them special charges and offices in the church as may be most for the glory of God, and edifying of the people: and thus we read of the good kings in the Old Testament, David, Joas, Ezechias, Josias. But as for making, that is to say, ordaining and consecrating of priests, I think it specially belongeth to the Office of a bishop, as far as can be shewed by scripture, or any example, as I suppose from the beginning.

Dr. Cox, [fol. 115.] Bishops hath authority, as is aforesaid, of the apostles, in tenth question, to make priests, except in cases of great necessity.

Dr. Leyghton, [fol. 117.] To the eleventh; I suppose[25] that a bishop hath authority of God, as his minister, by scripture to make a priest; but he ought not to admit any man to be priest, and consecrate him, *or to appoint him unto any ministry in the church*[26], without the prince's license and consent, in a Christian region. And that any other man hath authority to make a priest by scripture, I have not read, nor example thereof.

Dr. Symmons, [fol. 120.] A bishop placed by the high power, and admitted to minister, may make a priest; and I have not read of any other that ever made priest.

Dr. Tresham, [fol. 125.] I say, a bishop hath authority by scripture to make a priest, and other than a bishop hath not power therein, but only in case of necessity.

[25] [A line has been scratched out here.]
[26] [These words are added above the line.]

228 A bishop being licensed by his prince and supreme governor, hath authority to make a priest by the law of God. I do not read that any priest hath been ordered by any other than a bishop. Dr. Coren, [fol. 129.]

A bishop hath authority by scripture to make a priest, and that any other ever made priest syth Christ's time I read not. Albeit Moses, which was not inointed priest, made Aaron priest and bishop, by a special commission or revelation from God, without which he would never so have done. Dr. Edgworth, [fol. 130.]

Authoritas ordinandi presbiteros data est episcopis per verbum, nullisque aliis quod lego. Dr. Oglethorp, [fol. 133.]

Ad primam partem quæstionis respondent omnes, et convenit omnibus præter Menevens. episcopum habere authoritatem instituendi presbyteros. Ruffens. Laighton, Curren, Robertsonus, addunt, modo magistratus id permittat. Ad secundam partem respondent Coxus et Tresham in necessitate concedi potestatem ordinandi aliis. Eboracen. videtur omnino denegare aliis hanc authoritatem. Redman, Symons, Robertson, Laighton, Thirlebe, Curren, Roffen. Edgeworthe, Oglethorp, Carliol. nusquam legerunt alios usos fuisse hâc potestate, quanquam (previlegio quodam) data sit Moysi, ut Redmanus arbitratur et Edgeworth. Nihil respondent ad secundam partem quæstionis Londoniensis, Dayus. [Convenit, fol. 136.]

In the eleventh; To the former part of the question, the bishop of S. David doth answer, that *bishops have no authority to make priests without they be authorized of the Christian prince.* The others all of them do say, that *they be authorized of God.* Yet some of them, as the bishop of Rochester, Dr. Curren, Laighton, Robertson, add, that *they cannot use this authority without their Christian prince doth permit them.* To the second part the answer of the bishop of S. David is, that *laymen have other-while made priests.* So doth Dr. Edgworth and Redman say, *that Moyses, by a privilege given him of God, made Aaron his brother priest.* Dr. Tresham, Craiford, and Coxe say, that *laymen may make priests in time of necessity.* The bishops of York, Duresme, Rochester, Carliol. elect of Westmonast. Dr. Curren, Laighton, Symons, seem to deny this thing; for they say, *they find not, nor read not any such ensample.* Agreement, [fol. 142.]

12. Question.

Whether in the New Testament be required any consecration of a bishop and priest, or only appointing to the office be sufficient.

Answers.

Canterbury, [fol. 73.] IN the New Testament, he that is appointed to be a bishop, or a priest, needeth no consecration by the scripture, for election or appointing thereto is sufficient.

York, [fol. 80.] To the twelfth question; the apostles ordained priests by imposition of the hand, with fasting and prayer; and so following their steps we must needs think, that all the foresaid things be necessarily to be used by their successors. And therefore we do also think, that appointment only, without visible consecration and invocation for the assistance and power of the Holy Ghost, is neither convenient ne sufficient; for without the said 229
invocation, it beseemeth no man to appoint to our Lord ministers, as of his own authority; whereof we have example in the Acts of the Apostles; where we find, that when they were gathered to choose one in the place of Judas, they appointed two of the disciples, and commended the election to our Lord, that he would choose which of them it pleased him, saying, and praying, *Lord, thou that knowest the hearts of all men, shew whether of these two thou dost choose to succeed in the place of Judas.* And to this purpose in the Acts we read, *Dixit Spiritus Sanctus, Segregate mihi Barnabam, &c.* And again, *Quos posuit Spiritus Sanctus regere ecclesiam Dei.* And it appeareth also that in the Old Testament, in the ordering of priests, there was both visible and invisible sanctification; and therefore in the New Testament, where the priesthood is above comparison higher than in the Old, we may not think that only appointment sufficeth without sanctification, other visible or invisible.

Rochester, [fol. 88.] The scripture speaketh, *de impositione manûs et de oratione:* and of other manner of consecration I find no mention in the New Testament expressedly; but the old authors make mention also of inunctions.

To the twelfth; I think consecration of a bishop and priest be required, for that in the old law (being yet but a shadow and figure of the new) the consecration was required, as appeareth *octavo Levitici* yet the truth of this I leave to those of higher judgment. London, [fol. 91.]

Upon this text of Paule to Timothy; *Noli negligere gratiam quæ in te est, quæ data est tibi per prophetiam cum impositione manuum presbiterii;* Saint Anselme saith this, *grace to be the gift of a bishop's office, to the which God of his mere goodness had called and preferred him. The prophecy* (he saith) *was the inspiration of the Holy Ghost, by the which he knew what he had to do therein. The imposition of the hands is that by the which he was ordained and received that office: and therefore* (saith saint Paule) *God is my witness, that I have discharged myself, shewing you as I ought to have done. Now look you well upon it whom that ye take to orders, lest ye lose your selffe thereby. Let bishops therefore, which* (as saith saint Hierome) *hath power to make priests, consider well under what law the order of ecclesiastical constitution is bounden; and let them not think these words of the apostle to be his, but rather the words of Christ himself.* Carlisle, [fol. 95.]

Consecration of bishops and priests I read not in the New Testament, but *ordinatio per manuum impositionem cum oratione* is read there, as in the places above; and the only appointment, as I think, is not sufficient. Dr. Day, [fol. 100.]

Opinor requiri consecrationem quandam, hoc est impositionem manuum, orationem, jejunium, etc. tamen nusquam hoc munere fungi posse, nisi ubi magistratus invitet, jubeat, aut permittat. Dr. Robertson, [fol. 106.]

Beside the appointing to the office, it appeareth that in the primitive church, the apostles used certain consecration of the ministers of the church, by imposition of hands and prayer, Act. vi. and with fasting, Act. xiv. etc. The office of priesthood is too dangerous to set upon, when one is but appointed only: therefore for the confirmation of their faith, which take in hand such charge, and for the obtaining of farther grace requisite in the same, consecration was ordained by the Holy Ghost, and hath been always used from the beginning. Dr. Redmayn, [fol. 112.]

By scripture there is no consecration of bishops and priests Dr. Cox, [fol. 115.]

required, but only the appointing to the office of a priest, *cum impositione manuum.*

Dr. Leyghton, [fol. 117.] To the twelfth; I suppose that there is a consecration required, as by imposition of hands; for so we be taught by the sample of the apostles.

Dr. Symmons, [fol. 121.] The appointing to the office *per manuum impositionem* is in scripture, and the consecration of them hath of long time continued in the church.

Dr. Tresham, [fol. 125.] There is a certain kind of consecration required, which is imposition of the bishop's hands with prayer, and the appointing only is not sufficient.

Dr. Coren, [fol. 129.] In the New Testament is required to the making of a bishop, *impositio manuum cum oratione*, which I take for consecration, and appointment unto the office is not sufficient; for king

1 Paral, xxiv. David did appoint twenty-four to be bishops, who after were consecrated; so that both the appointment and the consecration be requisite.

Dr. Edgworth, [fol. 130.] Deputation to the office is not sufficient to make a priest or a bishop, as appeareth by David and Salomon, who deputed the 24ty above mentioned to their offices, yet they made none of them priests, nother any other.

Dr. Oglethorp, [fol. 133.] Præter vocationem, seu designationem externam, quæ vel 230
a principe fit, vel a plebe per electionem ac suffragia, requiritur ordinatio alia per manuum impositionem, idque per verbum Dei.

[Convenit, fol. 136.] Respondet Eboracens. Londoniens. Careliolens. Leighton, Tresham, Robertsonus, Edgeworthe, Curren, Dayus, Oglethorp, consecrationem esse requisitam. Redmanus ait eam receptam esse ab apostolis, atque a Spiritu Sancto institutam ad conferendam gratiam. Dayus, Ruffens. Symons, ait sacerdotium conferri per manuum impositionem, idque e scripturis; consecrationem vero dicu receptam in ecclesiâ: Coxus institutionem cum manuum impositione sufficere, neque per scripturam requiri consecrationem. Robertsonus addit supra alios nusquam hoc munere fungi posse quempiam, nisi ubi magistratus invitet, jubeat aut permittat.

Agreement, [fol. 142.] In the twelfth question, where it is asked, Whether in the New Testament be required any consecration of a bishop, or only appointing to the office be sufficient? The bishop of S. David saith, that *only the appointing.* Dr. Coxe, that

231 *only appointing,* cum manuum impositione, *is sufficient without consecration.* The archbishop of York, London, Duresme, Carlile, Drs. Daie, Curren, Laighton, Tresham, Edgworth, Oglethorpe, say, that *consecration is requisite.* Dr. Redmayn saith, that *consecration hath been received from the apostles' time, and institute of the Holy Ghost to confer grace.* My lord of Rochester, Dr. Daie, and Symons, say, that *priesthood is given* per manuum impositionem, *and that by scripture; and that consecration hath of long time been received in the church.*

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13. Question.

Whether (if it fortuned a prince Christian learned, to conquer certain dominions of infidels, having none but temporal learned men with him) it be defended by God's law, that he and they should preach and teach the word of God there, or no? And also make and constitute priests, or no?

Answers.

IT is not against God's law, but contrary they ought indeed so to do; and there be histories that witnesseth, that some Christian princes, and other laymen un-consecrate have done the same. Canterbury, [fol. 73.]

To the thirteenth; to the first part of this question, touching teaching and preaching the word of God in case of such need; we think that laymen not ordered, not only may, but also must preach Christ and his faith to the infidels, as they shall see opportunity to do the same, and must endeavour themselves to win the miscreants to the kingdom of God, if that they can; for as the Wise Man saith, *God hath given charge to every man of his neighbour;* and the scripture of God *chargeth every man to do all the good that he can to all men:* and surely this is the highest alms to draw men from the Devil the usurper, and bring them to God the very owner. Wherefore in this case every man and woman may be an evangelist, and of this also we have example. But touching the second part, for case of necessity; as we neither find scripture, ne example, that will bear, that any man, being himself no priest, may York, [fol. 81.]

make, that is to say, may give the order of priesthood to another, and authority therewith to minister in the said order, and to use such powers and offices, as appertaineth to priesthood grounded in the gospel; so we find in such case of need, what hath been done in one of the ancient writers; although this authority to ordain, after form afore-mentioned, be not to laymen expressly prohibited in scripture; yet such a prohibition is implied, in that there is no such authority given to them, other in scripture or otherwise; forsomuch as no man may use this or any other authority which cometh from the Holy Ghost, unless he have, other commission grounded in scripture, or else authority by tradition, and ancient use of Christ's church universally received over all.

[fol. 82.]

Rochester, [fol. 88.]

I never read these cases, neither in the scripture, nor in the doctors, and therefore I cannot answer to them by learning, but think this to be a good answer for all such questions, viz. *Necessitas non habet legem.*

London, [fol. 91.]

To the thirteenth and fourteenth; I think that necessity herein, might other be a sufficient rule and warrant to determine and order such cases, considering that *tempore necessitatis mulier baptizat, et laicus idem facit, et audit confessionem:* other else that God would inspire in the prince's heart, to provide the best and most handsome remedy therein: and hard were it peradventure to find such great necessity, but either in the train of the said prince, other else in the regions adjoining thereunto, there might be had some priests for the said purposes; or, finally, that the prince himself, godly inspired in that behalf, might, for so good purposes and intent, set forth the act indeed, referring yet this thing to the better judgment of other.

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Carlisle, [fol. 95.]

It is to be thought, that Christ may call, as it pleaseth him, inwardly, outwardly, or by both together: so that if no priest might be had, it cannot be thought, but that a Christian prince, with other learned, inwardly moved and called, might most charitably and godly prosecute that same their calling in the most acceptable work, which is to bring people from the Devil to God, from infidelity to true faith, by whatsoever means God shall inspire.

[fol. 96.]

Dr. Day, [fol. 100.]

In this case (as I think) the prince, and other temporal learned men with him, may, by God's law, teach and preach

the word of God, and baptize; and also (the same necessity standing) elect and appoint men to those offices.

In hoc casu existimarem accersendos verbi et sacramentorum ministros, si qui forent vicini; quod si nulli invenirentur, principem illum Christianum haberemus pro apostolo, tanquam missum a Deo, licet externo sacramento non esset commendatus, quum Deus sacramentis suis non sit alligatus. Dr. Robertson, [fol. 106.]

I think they might, in such case of necessity; for in this case the laymen made the whole church there, and the authority of preaching and ministering the sacraments, is given immediately to the church; and the church may appoint ministers, as is thought convenient. There be two stories good to be considered for this question, which be written in the 10th book, History Ecclesiastic; the one of Frumentius, who preached in Ynde, and was after made priest and bishop by Athanasius. And the other story is of the king of the Iberians, of whom Ruffyne the writer of the story saith thus; *Et nondum initiatus sacris fit suæ gentis apostolus.* Yet nevertheless it is written there, that *an ambassade was sent to Constantyne the emperor, that he would send them priests for the further establishment of the faith there.* Dr. Redmayn, [fol. 112.]

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It is not against God's law, but the prince, and his learned temporal men, may preach and teach, and, in these cases of extreme necessity, make and institute ministers. Dr. Cox, [fol. 115.]

To the thirteenth; I suppose the affirmative thereof to be true; *Quamvis potestas clavium residet præcipue in ecclesiâ.* Dr. Leyghton, [fol. 117.]

I think that in such a necessity, a prince Christian learned, and also temporal men learned, be bound to preach and minister other sacraments, so that the same ministers be orderly assigned by the high power, and the congregation. Dr. Symmons, [fol. 121.]

I say, to the first part, that such king, and his temporal learned men, not only might, but were also bound to preach God's word in this case. And as to the second part, I say, that if there could no bishop be had to institute, the prince might in that case of necessity do it. Dr. Tresham, [fol. 125.]

In such a case, I do believe that God would illumine that prince; so that other he himself should be made a bishop, by internal working of God (as Paul was) or some of his subjects, or else God would send him bishops from other parts. And as for preaching of the word of God, the prince might do Dr. Coren, [fol. 129.]

it himself, and other of his learned subjects, although they were no priests.

Dr. Edgworth, [fol. 130.] The prince and his temporal learned men might and ought, in that necessity, to instruct the people in the faith of Christ, and to baptize them, *ut idem rex sit et suæ gentis apostolus*, and these be sufficient for the salvation of his subjects. But as concerning other sacraments, he ought to abide and look for a special commission from Almighty God, as Moses had, or else to send unto other regions where priests or bishops may be had, and else not to meddle. Example in *Ecclesiasticâ Historiâ*, libro decimo ca. x°. *de Frumentio.* et ca. xi°. *de Ancillâ captivâ quæ convertit gentem Hiberorum, cujus captivæ monitis ad imperatorem Constantinum totius gentis legacio mittitur, res gesta exponitur, sacerdotes mittere exoratur qui cœptum erga se Dei munus implerent, etc.*

Dr. Oglethorp, [fol. 133.] In summâ necessitate baptizare et prædicare possunt et debent, hæc etenim duo necessaria sunt media ad salutem; at ordinare (ut conjecturâ ducor) non debent, sed aliunde sacrificos accersire, quos si habere nequeant, Deus ipse (cujus negotium agitur,) vel oraculo admonebit, quid faciendum erit, vel necessitas ipsa (quæ sibi ipsi est lex) modum ordinandi suggeret ac suppeditabit.

[Convenit, fol. 136.] In primâ parte quæstionis conveniunt omnes, etiam laicos, tali rerum statu, non solum posse sed debere docere. Menevens. Thirlebye, Laightonus, Coxus, Symons, Tresham, Redmanus, Robertesonus, etiam potestatem ministrandi sacramenta, et ordinandi ministros, concedunt illis. Eboracens. hanc proursus potestatem illis denegat. Curren credit principem divinitus illuminandum et consecrandum fore in episcopum interne, aut aliquem ex suis, Pauli exemplo. Simile habet Herfordiensis et Carliolensis. Dayus nihil respondet de ordinandis presbiteris 234
in hâc necessitate.

Agreement, [fol. 143.] In the thirteenth; concerning the first part, whether laymen may preach and teach God's word? They do agree all, in such a case, *that not only they may, but they ought to teach.* But in the second part, touching the constituting of priests of laymen, my lord of York, and doctor Edgeworth, doth not agree with the other; they say, that *laymen in no wise can make priests, or have such authority.* The bishop of Duresme, S. David, Westmonast. Drs. Tresham, Coxe, Leighton, Crai-

ford, Symons, Redmain, Robertson, saith, *that laymen in such case have authority to minister the sacraments, and to make priests.* My lord of London, Carlile, and Harford, and Dr. Curren, think, *that God in such a case would give the prince authority, call him inwardly, and illuminate him or some of his, as he did S. Paul.*

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14. Question.

Whether it be forefended by God's law, that (if it so fortuned that all the bishops and priests of a region were dead, and that the word of God should remain there unpreached, the sacrament of baptism, and others unministered) that the king of that region should make bishops and priests to supply the same, or no? [fol. 70.]

Answers.

IT is not forbidden by God's law.

To the fourteenth; In this case, as we have said in the next article afore, teaching of the word of God may be used by any that can and will use it, to the glory of God; and in this case also the sacrament of baptism may be ministered by those that be no priests; which things although we have not of scripture, yet the universal tradition and practice of the church doth teach us: and peradventure contract of matrimony might also be made, the solemnization thereof being only ordained by law positive, and not by any ground, other of scripture, or of tradition; although for very urgent causes, the said solemnization is to be observed when it may be observed; but that the princes may not make, that is, may not order priests ne bishops, not afore ordered to minister the other sacraments, the ministry whereof in scripture is committed only to the apostles, and from them derived to their successors, even from the primitive church hitherto, and by none other used, we have answered in the thirteenth article. Canterbury, [fol. 73.] York, [fol. 82.] [fol. 83.]

235 Not only it is given of God to supreme governors, kings and Carlisle,

[fol. 96.] princes immediate under him, to see, cause, and compel all their subjects, bishops, priests, with all other, to do truly and uprightly their bounden duties to God, and to them, each one according to his calling: but also if it were so, that any where such lacked to do and fulfil that God would have done, right well they might, by the inward moving and calling of God, supply the same.

Dr. Day, [fol. 101.] To this case, as to the first, I answer; that if there could no bishops be had to order new priests there, by the prince's assignation and appointment; then the prince himself might ordain and constitute, with the consent of the congregation, both priests and ministers, to preach and baptize, and to do other functions in the church.

Dr. Robertson, [fol. 106.] Huic quæstioni idem respondendum, quod priori, arbitror.

Dr. Redmayn, [fol. 112.] To this, I think, may be answered, as to the last question before; howbeit the surest way, I think, were to send for some ministers of the church dwelling in the next regions, if they might conveniently be had.

Dr. Leyghton. [fol. 117.] To the fourteenth; I suppose the affirmative to be true, in case that there can no bishops nor priests be had forth of other countries conveniently.

Dr. Symmons, [fol. 121.] If the king be also a bishop, as it is possible, he may appoint bishops and priests to minister to his people: but hitherto I have not read that ever any Christian king made bishop or priest.

Dr. Tresham, [fol. 125.] I make the same answer as to the 13th question is made.

Dr. Coren, [fol. 129.] In this case I make answer as afore, that God will never suffer his servants to lack that thing that is necessary; for there should, other from out parts, priests and bishops be called thither, or else God would call inwardly some of them that be in that region to be bishops and priests.

Dr. Edgworth, [fol. 130.] Likewise as to the next question afore.

Dr. Oglethorp, [fol. 133.] Si ab aliis regionibus sacerdotes habere non poterit, opinor ipsum deputare posse etiam laycos ad hoc quantumvis sacrum officium; sed omnia prius tentanda essent, ut supra.

[Convenit, fol. 137.] Fatentur, ut prius, omnes, laicos posse docere. Eboracens. Symons, Oglethorp negant posse ordinare presbyteros, tamen concedit Eboracens. baptizare et contrahere matrimonia. Edgworthe tantum baptizare posse; nam sufficere dicit ad salutem. Alii omnes eandem potestatem concedunt, quam prius. Roffens.

236 non aliud respondet his duabus quæstionibus, quam quod necessitas non habet legem.

In the fourteenth they agree for the most part as they did before, that *laymen in this case may teach and minister other sacraments.* My lord of York, Dr. Symons, and Oglethorp say, *they can make no priests*[27], *although Symons said they might minister all sacraments, in the question before.* Yet my lord of York, and Edgworth, do grant, *that they may christen.* The bishop of London, Rochester, and Crayford, say, that *in such a case,* Necessitas non habet legem. Agreement, [fol. 142.]

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15. Question.

Whether a man be bound by authority of this scripture, (Quorum remiseritis) *and such like, to confess his secret deadly sins to a priest, if he may have him, or no?*

Answers.

A MAN is not bound, by the authority of this scripture, *Quorum remiseritis,* and such like, to confess his secret deadly sins to a priest, although he may have him. Canterbury, [fol. 73.]

To the fifteenth; This scripture is indifferent to secret and open sins; ne the authority given in the same is appointed or limited, other to the one, or to the tother, but is given commonly to both: and therefore seeing that the sinner is in no other place of scripture discharged of the confession of his secret sins, we think, that this place chargeth him to confess the secret sins, as well as the open. York, [fol. 82.]

I think that confession of secret deadly sins is necessary for to attain absolution of them; but whether every man that hath secretly committed deadly sin is bound by these words to ask absolution of the priest therefore, it is an hard question, and of much controversy amongst learned men, and I am not able to define betwixt them; but I think it the surest way, to say, that a man is bound to confess, etc. Rochester, [fol. 88.]

To the fifteenth; I think that as the sinner is bounden by this authority to confess his open sins, so also is he bounden to London, [fol. 91.]

[27] [Here has been erased, 'yet my lord of York and Edgworth granted they may christen'.]

confess his secret sins, because the special end it is, to wit, absolution *a peccato cujus fecit se servum*, is all one in both cases: and that all sins as touching God are open, and in no wise secret or hid.

Carlisle, [fol. 96.] I think that by the mind of most ancient authors, and most holy expositors, this text, *Quorum remiseritis peccata, etc.* with other like, serveth well to this intent; that Christian folk should confess their secret deadly sins to a priest there to be assoiled, without which mean, there can be none other like assurance.

Dr. Day, [fol. 101.] The matter being in controversy among learned men, and very doubtful, yet I think rather the truth is, that by authority of this scripture, *Quorum remiseritis, etc.* and such like, a man is bound to confess his secret deadly sins, which grieve his conscience, to a priest, if he may conveniently have him; forasmuch as it is an ordinary way ordained by Christ in the gospel, by absolution to remit sins: which absolution I never read to be given, *sine confessione prævid.*

Dr. Robertson, [fol. 106.] Opinor obligari, modo aliter conscientiæ illius satisfieri ne- 237
queat.

Dr. Redmayn, [fol. 113.] I think, that although in these words confession of privy sins is not expressly commanded; yet it is insinuate and shewed in these words, as a necessary medicine or remedy, which all men that fall into deadly sin ought, for the quieting of their conscience, to seek, if they may conveniently have such a priest as is meet to hear their confession.

Dr. Cox, [fol. 115.] I cannot find that a man is bound by scripture to confess his secret deadly sins to a priest, unless he be so troubled in his conscience, that he cannot be quieted without godly instruction.

Dr. Leyghton, [fol. 117.] To the fifteenth; I think that only such as have not the knowledge of the scripture, whereby they may quiet their consciences, be bounden to confess their secret deadly sins unto a priest: howbeit no man ought to contemn such auricular confession[28], for I suppose it to be a tradition apostolical, necessary for the unlearned multitude.

Dr. Symmons, [fol. 121.] This scripture, as ancient doctors expoundeth it, bindeth all men to confess their secret deadly sins.

Dr. Tresham, I say, that such confession is a thing most consonant to the 238

[28] [*nor to omit it*, is in the MS. scratched out.]

law of God, and it is a wise point, and a wholesome thing so for to do, and God provoketh and allureth us thereto, in giving the active power to priests to assoil in the words, *Quorum remiseritis*. It is also a sure way for our salvation to confess, if we may have a priest: yet I think that confession is not necessarily deduced of scripture, nor commanded as a necessary precept of scripture, and yet is it much consonant to the law of God, as a thing willed, not commanded. [fol. 126.]

A man whose conscience is grieved with mortal secret sins, is bounden by these words, *Quorum remiseritis, etc.* to confess his sin to a priest, if he may have him conveniently. Dr. Coren. [fol. 129.]

Where there be two ways to obtain remission of sin, and to recover grace, a man is bound by the law of nature to take the surer way, or else he should seem to contemn his own health, which is unnatural. Also because we be bound to love God above all things, we ought by the same bond to labour for his grace and favour: so that because we be bound to love God, and to love ourselves in an order to God, we be bound to seek the best and surest remedy to recover grace for ourselves. Contrition is one way; but because a man cannot be well assured, whether his contrition, attrition, or displeasure for his sin be sufficient to satisfy or content Almighty God, and able or worthy to get his grace; therefore it is necessary to take that way that will not fail, and by which thou mayest be sure, and that is absolution of the priest, which by Christ's promise will not deceive thee, so that thou put no step or bar in the way; as, if thou do not then actually sin inwardly nother outwardly, but intend to receive that the church intendeth to give thee by that absolution, having his efficacity of Christ's promise, *Quorum remiseritis, etc.* Now the priest can give thee no absolution from that sin that he knoweth not: therefore thou art bound, for the causes aforesaid, to confess thy sin. Dr. Edgworth, [fol. 130.]

Confitenda sunt opinor, etiam peccata abdita ac secreta propter absolutionem ac conscientiæ tranquillitatem, et præcipue pro vitandâ desperatione, ad quam plerumque adiguntur multi in extremis, dum sibi ipsis de remissione peccatorum nimium blandiuntur, nullius (dum sani sunt) censuram subeuntes nisi propriam. Dr. Oglethorp, [fol. 133.]

Eboracens. Londoniens. Dayus, Oglethropus, Curren, Redman, asserunt obligari. Coxus, Tresham, et Robertsonus di- [Convenit, fol. 137.]

cunt non obligari, si aliter conscientiæ illorum satisfieri queat; Menevens. nullo modo obligari. Carliolens. et Symons aiunt, secundum veterum interpretationem, hâc scripturâ quemvis obligari peccatorem. Roffens. Herfordiens. et Thirlebie non respondent, sed dubitant. Laightonus solum indoctos obligari ad confessionem.

Edgworth tradit duplicem modum remissionis peccatorum, per contritionem sive attritionem, et per absolutionem: et quia nemo potest certus esse, num attritio et dolor pro peccato sufficiat ad satisfaciendum Deo et obtinendam gratiam, ideo tutissimam viam deligendam, scilicet, absolutionem a sacerdote, quæ per promissionem Christi est certa; Absolvere non potest nisi cognoscat peccata; ergo peccata per confessionem sunt illi revelanda.

Agreement, [fol. 143.] In the fifteenth; concerning confession of our secret deadly sins. The bishops of York, Duresme, London, Drs. Day, Curren, Oglethorpe, Redmain, Craiford, say, that *men be bound to confess them of their secret sins.* Drs. Coxe, Tresham, Robertson, say, *they be not bound, if they may quiet their consciences otherwise.* The bishop of S. David also saith, that *this text bindeth no man.* Dr. Laighton saith, that *it bindeth only such as have not the knowledge of scripture.* The bishop of Carliel and Symons say, that *by ancient doctors' exposition, men be bound, by this text, to confess their secret deadly sins.*

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16. Question. 239

Whether a bishop or a priest may excommunicate, and for what crimes? And whether they only may excommunicate by God's law?

Answers.

Canterbury, [fol. 73.] A BISHOP or a priest by the scripture is neither commanded nor forbidden to excommunicate, but where the laws of any region giveth him authority to excommunicate, there they ought to use the same in such crimes, as the laws have such authority in; and where the laws of the region forbiddeth them, there they have none authority at all; and they

that be no priests may also excommunicate, if the law allow thereunto.

To the sixteenth: The power to excommunicate, that is, to dissever the sinner from the communion of all Christian people, and so put him out of the unity of the mystical body for the time, *donec resipiscat*, is only given to the apostles and their successors, in the gospel, but for what crimes, although in the gospel doth not appear, saving only for disobedience against the commandment of the church, yet we find example of excommunication used by the apostles in other cases: as of the fornicator by Powle, of Hymeneus and Alexander for their blasphemy by the same; and yet of other crimes mentioned in the Epistle of the said Powle written to the Corinthians. And again of them that were disobedient to his doctrine, 2 Thessa. iii°. We find also charge given to us, by the apostle saint John, that we shall not commune with them, nor so much as salute him with *Ave*, that will not receive his doctrine. By which it may appear that excommunication may be used for many great crimes, and yet the church at this day doth not use it, but only for manifest disobedience. And this kind of excommunication, whereby man is put out of the church, and dissevered from the unity of Christ's mystical body, which excommunication toucheth also the soul, no man may use, but they only, to whom it is given by Christ. York, [fol. 83.] [fol. 84.]

I answer affirmative to the first part, in open and manifest crimes, meaning of such priests and bishops as be by the church authorized to use that power. To the second part I answer, that it is an hard question, wherein I had rather hear other men speak, than say my own sentence; for I find not in scripture, nor in the old doctors, that any man hath given sentence of excommunication, safe only priests; but yet I think, that it is not against the law of God, that a layman should have authority to do it. Rochester, [fol. 88.] [fol. 89.]

To the sixteenth; I think that a bishop may excommunicate, taking example of St. Paule with the Corinthian; and also of that he did to Alexander and Hymineus. And with the lawyers it hath been a thing out of question, that to excommunicate solemnly, appertaineth to a bishop, although otherwise, both inferior prelates and other officers, yea and priests too in notorious crimes, after divers men's opinions. London, [fol. 91.]

may excommunicate semblably, as all other that be appointed governors and rulers over any multitude, or spiritual congregation.

Carlisle, [fol. 96.] Divers texts of scripture seemeth, by the interpretation of ancient authors, to shew, that a bishop or a priest may excommunicate open deadly sinners continuing in obstinacy with contempt. I have read in histories also, *that a prince hath done the same*[29]. 240

Dr. Day, [fol. 101.] A bishop or a priest may excommunicate by God's law for manifest and open crimes: also other appointed by the church, though they be no priests, may exercise the power of excommunication.

Dr. Robertson, [fol. 106.] Opinor episcopum aut presbyterum excommunicare posse, tanquam ministrum et os ecclesiæ, ab eâdem mandatum habens. Utrum vero id juris nulli nisi sacerdotibus in mandatis dari possit, *non satis scio*[30]. Excommunicandum esse opinor pro hujuscemodi criminibus, qualia recenset Paulus, 1 Cor. v. si, is qui frater nominatur, est fornicator, aut avarus, aut idolis serviens, aut maledicus, aut ebriosus, aut rapax, cum hujusmodi ne cibum sumere, etc.

Dr. Redmayn, [fol. 113.] They may excommunicate, as appeareth 1 Cor. v. 1 Tim. i. and that for open and great crimes, whereby the church is offended[31]; and for such crimes as the prince or governor determineth and thinketh expedient, men to be excommunicate for, as appeareth in *Novellis Constitutionibus Justiniani*. Whether any other may pronounce the sentence of excommunication, but a bishop or a priest, I am uncertain.

Dr. Cox, [fol. 115.] A bishop or a priest, as a public person appointed to that office, may excommunicate for all public crimes. And yet it is not against God's law, for others than bishops or priests to excommunicate.

Dr. Leyghton, [fol. 117.] To the sixteenth, I say, that a bishop or a priest having license and authority of the prince of the realm, may excommunicate any obstinate and inobedient person, for any notable and deadly sin. And further, I say, that not only bishops and priests may excommunicate, but any other man appointed by the church, or such as have authority to appoint men to that office, may excommunicate.

[29] [These words are in the MS. underlined.]

[30] [These words are in the MS. underlined.]

[31] [Here the MS. has three lines scratched out.]

Whosoever have a place under the high power, and is assigned by the same to execute his ministry given of God, he 241 may excommunicate for any crime, as it shall be seen to the high power, if the same crime be public. Dr. Symmons, [fol. 121.]

A bishop and priest may excommunicate by scripture: as touching for what crimes? I say, for every open deadly sin and disobedience. And as touching, whether only the priest may excommunicate? I say, not he only, but such as the church authorizeth so to do. Dr. Tresham, [fol. 126.]

A bishop or a priest may excommunicate an obstinate person for public sins. Dr. Coren, [fol. 129.]

Forsomuch as the keys be given to the whole church, the whole congregation may excommunicate; which excommunication may be pronounced by such one as the congregation doth appoint, although he be neither bishop nor priest.

A bishop, or a priest only, may excommunicate a notorious and grievous sinner, or obstinate person from the communion of Christian people, because it pertaineth to jurisdiction which is given to priests, Jo. xx. *Quorum remiseritis, etc. et quorum retinueritis, etc.* There is one manner of excommunication spoken of, 1 Cor. v^to^. which private persons may use. *Si is qui frater nominatur inter vos est fornicator, aut avarus, aut idolis serviens, etc. cum hujusmodi ne cibum quidem capiatis.* Excluding filthy persons, covetous persons, brawlers, and quarrellers out of their company, and nother to eat nor drink with them. Dr. Edgworth, [fol. 131.]

Non solum episcopus excommunicare potest, sed etiam tota congregatio, idque pro letalibus criminibus ac publicis, e quibus scandalum ecclesiæ provenire potest. Non tamen pro re pecuniariâ ut olim solebant. Dr. Oglethorp, [fol. 133.]

Menevens. Herfordiens. Thyrlebie, Dayus, Laightonus, Coxus, Symons, Curren, concedunt autoritatem excommunicandi etiam laicis, modo a magistratu deputentur.

Eboracens. et Edgworth prorsus negant datum laicis, sed apostolis et eorum successoribus tantum. Roffensis, Redmanus, et Robertsonus ambigunt, num detur laicis. [Convenit, fol. 137.]

Londoniens. non respondet quæstioni: Oglethropus et Thirlebie aiunt, ecclesiæ datam esse potestatem excommunicandi; idem Treshamus.

In the sixteenth, of excommunication, they do not agree. The bishops of York, Duresme, and Dr. Edgworth say, that Agreement,

[fol. 143.] *laymen have not the authority to excommunicate, but it was given only unto the apostles and their successors.* The bishops of Herford, S. David, Westmonast., doctors Daie, Curren, Laighton, Coxe, Symons, say, that *laymen may excommunicate, if they be appointed by the high ruler.*

My lord elect of Westminster, Dr. Tresham, and Dr. Oglethorpe, say further, that *the power of excommunication was given unto the church, and unto such as the church shall institute.*

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17. Question.

Whether unction of the sick with oil, to remit venial sins, as it is now used, be spoken of in the scripture, or in any ancient author? 242

Answers.

Canterbury, [fol. 73.] UNCTION of the sick with oil, to remit venial sins, as it is now used, is not spoken of in the scripture, nor in any ancient author.

T. Cantuarien[32]. This is mine opinion and sentence at this present, which I do not temerariously define, but do remit the judgment thereof wholly unto your majesty.

York, [fol. 84.] To the seventeenth; Of unction of the sick with oil, and that sins thereby be remitted, saint James doth teach us; but of the holy prayers, and like ceremonies used in the time of the unction, we find no special mention in scripture, albeit the said saint James maketh also mention of prayer to be used in the ministry of the same. *Edouarde Ebor.*

Rochester, [fol. 89.] Inunction of them that be sick with oil, and praying for them for remission of sins, is plainly spoken of in the Epistle of saint James, but after what form or fashion the said inunction was then used, the scripture telleth not.

[fol. 90.] *Written on the back of the paper,*

The Bishop of Rochester's Book.

[32] These are the subscriptions which are at the end of every man's paper.

To the seventeenth; I think that albeit it appeareth not clearly in scripture, whether the usage in extreme unction now, be all one with that which was in the beginning of the church: yet of the unction in time of sickness, and the oil also with prayers and ceremonies, the same is set forth in the Epistle of saint James, which place commonly is alleged, and so hath been received, to prove the sacrament of extreme unction. London, [fol. 92.]

Ita mihi *Edmundo Londōn.* episcopo pro hoc tempore dicendum videtur, salvo judicio melius sentientis, cui me prompte et humiliter subjicio.

Extreme unction is plainly set out by saint Jeames, with the which maketh also that is written in the sixth of Mark, after the mind of right good ancient doctors. Carlisle, [fol. 96.]

Robert Karliolen. [fol. 98.]

Unction of the sick with praying for them is found in scripture. *Opiniones non assertiones.* *George Daye.* Dr Day, [fol. 101.]

243 De unctione infirmorum nihil reperio in scripturis, præter id quod scribitur, Marc. vi. et Jacob. v. *Thomas Robertson*[33]. Dr. Robertson, [fol. 107.]

T. Cantuarien.

Unction with oil, adjoined with prayer, and having promise of remission of sins, is spoken of in S. James, and ancient authors; as for the use which now is, if any thing be amiss, it would be amended. *J. Redmayn.* Dr. Redmayn, [fol. 113.]

Unction of the sick with oil consecrate[34], as it is now used, is not spoken of in scripture. *Ricardus Cox.* Dr. Cox, [fol. 115.]

To the seventeenth, I say, that unction of the sick with oil and prayer to remit sins, is manifestly spoken of in James' Epistle and ancient authors, but not with all the rites and ceremonies as be now commonly used. Dr. Leyghton, [fol. 117.]

T. Cantuarien.

Per me *Edoardum Leyghton.*

[33] [These answers are headed 'Thomas Robertson, ad quæstiones,' and contain several erasures and interlineations. They are not signed at the end except by 'T. Cantuarien.' in Cranmer's hand, scratched out.]

[34] [The word *consecrate* is added above the line in the MS.]

Dr. Symmons, [fol. 121.] The unction of the sick with oil, to remit sins, is in scripture, and also in ancient authors. *Symon Matthew*[35].

Dr. Tresham, [fol. 126.] Unction with oil is grounded in the scripture, and expressly spoken of; but with this additament (as it is now used) it is not specified in scripture for the ceremonies now used in unction, I think mere traditions of man.

William Tresham.

Dr. Coren, [fol. 129.] Unction with oil to remit sins is spoken of in scripture.

Richard Coren.

Dr. Edgworth, [fol. 131.] It is spoken of Mark vi^to^. and Jac. v^to^. Augustine and other ancient doctors speaketh of the same. *Edgworth.*

Dr. Oglethorp, [fol. 133.] De unctione infirmorum cum oleo, adjectâ orationc, expressa mentio est in scripturis, quanquam nunc adduntur alii ritus, honestatis gratiâ (ut in aliis sacramentis) de quibus in scripturis nulla mentio. *Owinus Oglethorpus.*

[Convenit, fol. 137.] Menevens. et Coxus negant unctionem olei (ut jam est 244
recepta) ad remittenda peccata contineri in scripturis.

Eboracens. Carliolens. Edgworth, Curren, Redman, Symons, Laightonus, Oglethrope aiunt haberi in scripturis. Roffens. Thyrlebie, Robertsonus, præterquam illud Jacobi v. et Marci vi. nihil proferunt. Herfordiensis ambigit. Tresham vult unctionem olei tradi nobis e scripturis, sed unctionis cæremonias traditiones esse humanas.

Agreement, [fol. 143.] In the last; the bishop of S. David, and Dr. Coxe, say, That *unction of the sick with oil consecrate, as it is now used to remit sin, is not spoken of in scripture.*

My lords of York, Duresme, Carlile, Drs. Curren, Edgworth, Redman, Symons, Laighton, and Oglethorpe say, That *it is found in scripture.*

[35] [On the back of the paper is written, *D. Symons.*]

Number XXII. [p. 296.]

Dr. Barnes' renunciation of some articles informed against him.

[*Recantatio Roberti Barnes Willmi Jherome et Thomæ Gerard qui omnes postea concremati fuerunt in Smythfelde.*]

BE IT KNOWN to all men, that I Robert Barnes, doctor of divinity, have as well in writing, as in preaching, overshot myself, and been deceived, by trusting too much to mine own heady sentence, and given judgment in and touching the articles hereafter ensuing; whereas being convented, and called before the person of my most gracious sovereign lord king Henry the Eighth, king of England and of France, defensor of the faith, lord of Ireland, and in earth supreme head, immediately under God of the church of England; it pleased his highness, of his great clemency and goodness, being assisted with sundry of his most discreet and learned clergy, to enter such disputation and argument with me upon the points of my oversight, as by the same was fully and perfectly confuted by scriptures, and enforced only for the truth's sake, and for want of defence of scriptures to serve for the maintenance of my part, to yield, confess, and knowledge mine ignorance, and with my most humble submission, do promise for ever from henceforth to abstain and beware of such rashness: and for my further declaration therein, not only to abide such order for my doings passed, as his grace shall appoint and assign unto me, but also with my heart to advance and set forth the said articles ensuing, which I knowledge and confess to be most catholic, and Christian, and necessary to be received, observed, and followed of all good Christian people. Though it so be, that Christ by the will of his Father, the only which hath suffered passion and death for redemption of all such as will and shall come unto him, by perfect faith and baptism; and that also he hath taken upon him *gratis* the burden of all their sins, which as afore will, hath, or shall come to him, paying

Registr. Bonner, [fol. 37.]

sufficient ransom for all their sins, and so is become their only Redeemer and Justifier; of the which number I trust and doubt not but that many of us now a days be of: yet I in heart do confess, that after, by the foresaid means we become right Christian folks, yet then by not following our master's commandments and laws, we do lose the benefits and fruition of 245
the same, which in this case is irrecuperable, but by true penance, the only remedy left unto us by our Saviour for the same; wherefore I think it more than convenient and necessary, that whensoever justification shall be preached of, that this deed be joined with all the fore-part, to the intent that it may teach all true Christian people a right knowledge of their justification. By me *Robert Bernes.*

ALSO I confess with heart, that Almighty Gôd is in no wise author, causer of sin, or any evil; and therefore whereas scripture saith, *Induravit Dominus cor Pharaonis,* etc., and such other texts of like sense, they ought to be understand them[36], *quod Dominus permisit eum indurari,* and not other wise; which doth accord with many of the ancient interpreters also. By me *Robert Bernes.*

FURTHER I do confess with heart, that whensoever I have offended my neighbour, I must first reconcile myself unto him, or I shall get remission of my sins; and in case he offend me, I must forgive him, or that I can be forgiven; for this doth the *Pater Noster,* and other places of scripture teach me.
By me *Robert Bernes.*

I DO also confess with heart, that good works limited by scripture, and done by a penitent and true reconciled Christian man, be profitable and allowable unto him, as allowed of God for his benefit, and helping to his salvation.
By me *Robert Bernes.*

ALSO do confess with my heart, that laws and ordinances made by Christian rulers, ought to be obeyed by the inferiors and subjects, not only for fear, but also for conscience; for whoso breaketh them, breaketh God's commandments.
By me *Robert Bernes.*

[36] [Perhaps an error of writing for *they ought to be understanded thus.*]

ALL AND singular the which articles before written, I the foresaid Robert Barnes do approve and confess to be most true and catholic, and promise with my heart, by God's grace, hereafter to maintain, preach, and set forth the same to the people, to the uttermost of my power, wit, and cunning.

By me *Robert Bernes.*

By me *William Jerome*[37].

By me *Thomas Gararde.*

[37] [The substance of Jerome's Recantation Sermon, is given in a letter from Henry Dowes to Mr. Gregory Cromwell, which has been printed from Cotton MSS. Cleop. E. v. fol. 374, in the third series of Ellis' Original Letters, vol. iii. p. 258.]

Number XXIII. [p. 300.] 246

The foundation of the bishopric of Westminster.

[Rot. Pat. Hen. VIII. an. 32. p. 7. m. 10. al. 13.]

REX omnibus ad quos, &c. salutem.

Cum nuper cœnobium quoddam sive monasterium, quod (dum extitit) monasterium sancti Petri Westmonasterii vulgariter vocabatur, atque omnia et singula ejus maneria, dominia, mesuagia, terræ, tenementa, hæreditamenta, dotaciones et possessiones, certis de causis specialibus et urgentibus, per Willielmum ipsius nuper cœnobii sive monasterii abbatem, et ejusdem loci conventum, nobis et hæredibus nostris imperpetuum jamdudum data fuerunt et concessa, prout per ipsorum nuper abbatis et conventûs cartam sigillo suo communi sive conventuali sigillatam et in cancellariam nostram irrotulatam[38] manifeste liquet; quorum prætextu nos de ejusdem nuper cœnobii sive monasterii situ, septu et præcinctu, ac de omnibus et singulis prædictorum nuper abbatis et conventûs maneriis, dominiis et mesuagiis, terris, tenementis, hæreditamentis, dotacionibus et possessionibus, ad præsens pleno jure seisiti sumus in dominico nostro, ut de feodo;

Nos utique sic de eisdem seisiti existentes divinâque nos clemenciâ inspirante, nihil magis ex animo affectantes, quam ut vera religio verusque Dei cultus inibi non modo abboleatur, sed in integrum potius restituatur, et ad primitivam sive genuinæ sinceritatis normam reformetur, correctis enormitatibus in quas monachorum vita et professio longo temporis lapsu deplorabiliter exorbitaverat, operam dedimus, quatenus humana prospicere potest infirmitas, ut imposterum ibidem sacrorum eloquiorum documenta et nostræ salutiferæ redempcionis sacramenta pure administrentur, bonorum morum disciplina sincere observetur, juventus in literis liberaliter instituatur, senectus viribus defectiva, eorum præsertim qui circa personam nostram, vel alioqui circa regni nostri negotia publice bene et fideliter nobis servierint, rebus ad victum necessariis condigne foveatur,

[38] [The surrender, dated Jan. 16, of the thirty-first year of the king's reign, has been printed from the original in the Augmentation Office, in Dugdale's Monasticon, i. 320. It is signed by the abbot and twenty-four monks.]

et denique elemosinarum in pauperes Christi elargiciones, viarum pontiumque reparationes, et cætera omnis generis pietatis officia illinc exuberanter in omnia vicina loca longe lateque dimanent, ad Dei omnipotentis gloriam, et ad subditorum nostrorum communem utilitatem felicitatemque ;

Idcirco nos considerantes quod situs dicti nuper monasterii sancti Petri Westmonasterii in quo multa tum percharissimi patris nostri, tum aliorum inclitorum progenitorum nostrorum, quondam regum Angliæ, præclara monumenta conduntur, sit locus aptus, conveniens et necessarius instituendi, erigendi, ordinandi et stabiliendi sedem episcopalem, et quandam ecclesiam cathedralem de uno episcopo, de uno decano presbitero, et duodecim præbendariis presbiteris, ibidem, omnipotenti Deo[39] et imperpetuum servituris, ipsum situm dicti nuper monasterii sancti Petri Westmonasterii ac locum et ecclesiam ipsius in sedem episcopalem ac in ecclesiam cathedralem creari, erigi, fundari et stabiliri decrevimus, prout per præsentes decernimus, et eandem ecclesiam cathedralem de uno episcopo, de uno decano presbitero, et duodecim præbendariis presbiteris, tenore præsentium, realiter et ad plenum creamus, erigimus, fundamus, ordinamus, facimus, constituimus et stabilimus, perpetuis futuris temporibus duraturam, et sic stabiliri ac imperpetuum inviolabiliter observari volumus et jubemus per præsentes.

Volumus itaque et per præsentes ordinamus quod ecclesia cathedralis prædicta sit, et deinceps imperpetuum erit ecclesia
247 cathedralis et sedes episcopalis, ac quod tota villa nostra Westmonasterii ex nunc et deinceps imperpetuum sit civitas, ipsamque civitatem Westmonasteriensem vocari appellari et nominari volumus et decernimus, ac ipsam civitatem et totum comitatum nostrum Middlesexiæ prout per metas et limites dinoscitur, et limitatur, totâ parochiâ de Fulham in eodem comitatu de Middlesexiæ tantummodo exceptâ ab omni jurisdicdictione, auctoritate et diocese episcopi Londoniæ et successorum suorum pro tempore existentium separamus, dividimus, eximimus, exoneramus, et omnino per præsentes liberamus : ac omnem jurisdictionem episcopalem infra eandem civitatem et comitatum Middlesexiæ exceptis præ-exceptis, episcopo Westmonasteriensi a nobis per has literas nostras patentes nomi-

[39] [The word *omnino* has been accidentally omitted here, as appears by a comparison with the other letters patent for the erection of bishoprics.]

nando et eligendo et successoribus suis episcopis Westmonasteriensibus ac prædicto episcopatui Westmonasteriensi adjungimus et unimus, ac ex dictis civitate et comitatu diocesim facimus et ordinamus per præsentes, illamque diocesim Westmonasteriensem imperpetuum similiter vocari, appellari, nuncupari et nominari volumus et ordinamus.

Et ut hæc nostra intentio debitum et uberiorem sortiatur effectum, Nos de scientiâ, moribus, probitate et virtute dilecti nostri consiliarii Thomæ Thyrleby clerici, decani capellæ nostræ plurimum confidentes, eundem Thomam Thyrleby ad episcopatum dictæ sedis Westmonasteriensis nominamus et eligimus, ipsum ac Thomam episcopum Westmonasteriensem per præsentes eligimus, nominamus, facimus, et creamus;

Et volumus, ac per præsentes concedimus et ordinamus, quod idem episcopus sit corpus corporatum in re et nomine, ipsumque pro uno corpore declaramus et acceptamus, ordinamus, facimus et constituimus imperpetuum, habeatque successionem perpetuam, ac quod ipse et successores sui per nomen et sub nomine episcopi Westmonasteriensis nominabitur et vocabitur, nominabuntur et vocabuntur imperpetuum, et quod ipse et successores sui per idem nomen et sub eo nomine prosequi, clamare, et placitare ac implacitari, defendere et defendi, respondere et responderi, in quibuscumque curiis et locis legum nostrarum, ac hæredum et successorum nostrorum, et alibi, in et super omnibus et singulis causis, accionibus, sectis, brevibus, demandis et querelis, realibus, personalibus et mixtis, tam temporalibus quam spiritualibus, ac in omnibus aliis rebus, causis et materiis quibuscumque, et per idem nomen maneria, dominia, terræ[40], tenementa, rectorias, penciones, porciones, et alia quæcumque hæreditamenta, possessiones, proficua et emolumenta, tam spiritualia sive ecclesiastica, quam temporalia, ac alia quæcumque per literas patentes præfato episcopo et successoribus suis, per nos seu hæredes nostros debito modo fiendas vel per quamcumque aliam personam seu quascumque alias personas secundum leges nostras, et hæredum sive successorum nostrorum danda seu concedenda capere, recipere, gaudere et perquirere ac dare, alienare et dimittere possit et possint, valeat et valeant, et generaliter omnia alia et singula recipere, gaudere, et facere, prout et eisdem modo et formâ quibus cæteri episcopi infra

[40] [Thus written in the original by mistake for *terras*.]

regnum nostrum Angliæ recipere aut facere possint, aut aliquis episcopus infra regnum nostrum Angliæ recipere aut facere possit, et non aliter nec ullo alio modo.

Et ulterius volumus et ordinamus, quod ecclesia cathedralis prædicta sit, et deinceps imperpetuum erit ecclesia cathedralis et sedes episcopalis dicti Thomæ et successorum suorum episcoporum Westmonasteriensium ipsamque ecclesiam cathedralem honoribus, dignitatibus, et insigniis sedis episcopalis per præsentes decoramus, eandemque sedem episcopalem præfato Thomæ
248 et successoribus suis episcopis Westmonasteriensibus damus et concedimus per præsentes habendam et gaudendam eidem Thomæ et successoribus suis imperpetuum.

Ac etiam volumus et ordinamus per præsentes, quod præfatus Thomas et successores sui episcopi Westmonasterii prædicti omnimodam jurisdiccionem, potestatem et auctoritatem ordinarias et episcopales, infra ecclesiam cathedralem Westmonasterii et prædictam diocesim exercere, facere, et uti possit, et debeat, possint et debeant, in tam amplis modo et formâ, prout episcopus Londoniensis infra diocesim Londoniensem secundum leges nostras exercere, facere, et uti solet, possit aut debet.

Et quod dictus Thomas episcopus Westmonasteriensis et successores sui episcopi Westmonasterii deinceps imperpetuum habeant sigillum attenticum, seu sigilla attentica pro rebus et negociis suis agendis servitura, ad omnem juris effectum simili modo et formâ, et non aliter nec aliquo alio modo, prout episcopus Londoniensis habet aut habere potest.

Et ut ecclesia cathedralis prædicta de personis congruis in singulis locis et gradibus suis perimpletur[41] et decoretur, dilectum nobis Willielmum Benson, sacræ theologiæ professorem, primum et originalem, et modernum decanum dictæ ecclesiæ cathedralis, ac Simonem Haynes sacræ theologiæ professorem primum, et præsentem presbiterum præbendarium, ac Johannem Redman secundum presbiterum præbendarium, ac Edwardum Layghton tertium presbiterum præbendarium, ac Antonium Belosys quartum presbiterum præbendarium, ac Willielmum Britten quintum presbiterum præbendarium, ac Dionisium Dalyon sextum presbiterum præbendarium, ac Hunphredum Perkyns septimum presbiterum præbendarium, ac Thomam Essex octavum presbi-

[41] [A mistake of writing for *perimpleatur*.]

terum præbendarium, ac Thomam Elfryde nonum presbiterum præbendarium, ac Johannem Malvern decimum presbiterum præbendarium, ac Willielmum Harvye undecimum presbiterum præbendarium, ac Gerardum Carleton duodecimum presbiterum præbendarium, tenore præsencium facimus et ordinamus, per præsentes.

Volumus etiam et ordinamus, ac eisdem decano et præbendariis concedimus per præsentes, quod prædictus decanus et duodecim præbendarii de cætero sint de se in re et nomine unum corpus corporatum, habeantque successionem perpetuam, et se gerent, exhibebunt, et occupabunt sedem, ordinacionem, regulas et statuta, eis per nos in quâdam indenturâ imposterum fiendâ specificanda et declaranda. Et quod idem decanus et præbendarii et successores sui, decanus et capitulum ecclesiæ cathedralis sancti Petri Westmonasterii imperpetuum vocabuntur, et appellabuntur: Et quod præfatus decanus et præbendarii ecclesiæ cathedralis prædictæ et successores sui sint et imperpetuum erint capitulum episcopatûs Westmonasterii sitque idem capitulum præfato Thomæ et successoribus suis episcopis Westmonasterii perpetuis futuris temporibus annexum, incorporatum et unitum eisdem modo et formâ quibus decanus et capitulum ecclesiæ cathedralis sancti Pauli in civitate nostrâ Londoniæ episcopo Londoniensi aut sedi episcopali Londoniæ annexum, incorporatum et unitum existit ipsosque decanum et præbendarios unum corpus corporatum in re et nomine facimus, creamus, et stabilimus, et eos pro uno corpore facimus, declaramus, ordinamus et acceptamus, habeantque successionem perpetuam; et quod ipse decanus et capitulum eorumque successores per nomen decani et capituli ecclesiæ cathedralis beati Petri Westmonasterii prosequi, clamare, placitare possint et implacitari, defendere et defendi, respondere et responderi, in quibuscumque curiis et locis legum nostrarum et alibi, in et super omnibus et singulis causis, accionibus, sectis, demandis brevibus et querelis, realibus, spiritualibus, personalibus et mixtis, et 249
in omnibus aliis rebus, causis et materiis, prout decanus et capitulum sancti Pauli Londoniæ agere aut facere possint: et per idem nomen maneria, dominia, terræ [42], tenementa, et

[42] [The word was so printed in the original edition. It is obliterated and cannot now be read in the original, but probably was so written, as in the preceding page, by mistake for *terras*.]

cætera quæcumque hæreditamenta, possessiones, proficua, et emolumenta tam spiritualia sive ecclesiastica quam temporalia, et alia quæcumque per nos per literas nostras patentes, hæredum vel successorum nostrorum, seu per aliquam personam vel personas quascumque eis et successoribus suis vel aliter secundum leges nostras, vel hæredum seu successorum nostrorum danda seu concedenda capere, recipere, et perquirere, dare, alienare, et dimittere possint et valeant, et generaliter omnia alia et singula capere, recipere, perquirere, dare, alienare, et dimittere, ac facere et exequi, prout et eisdem modo et formâ, quibus decanus et capitulum prædictæ cathedralis ecclesiæ sancti Pauli in prædictâ civitate nostrâ Londoniæ capere, recipere, perquirere, dare, alienare, et dimittere, ac facere aut exequi possint, et non aliter, neque aliquo alio modo: Et quod decanus et capitulum ecclesiæ cathedralis beati Petri Westmonasterii et successores sui imperpetuum habebunt commune sigillum, ad omnimodas cartas, evidentias, et cætera scripta, vel facta sua fienda eos vel ecclesiam cathedralem prædictam aliquo modo tangentia sive concernentia sigillandum. Et insuper volumus et per præsentes concedimus et ordinamus, quod prædictus episcopus Westmonasteriensis et quilibet successorum suorum pro tempore existentium et prædictus decanus et capitulum ecclesiæ cathedralis beati Petri Westmonasterii et quilibet successorum suorum habeant plenam potestatem et facultatem faciendi, recipiendi, dandi, alienandi, dimittendi, exequendi et agendi omnia et singula quæ episcopus Londoniæ et decanus et capitulum sancti Pauli Londoniæ conjunctim et divisim facere, recipere, dare, alienare, dimittere, exequi aut agere possint. [m. 12. al. 11.]

Volumus etiam et ordinamus, ac per præsentes statuimus, quod archidiaconus Middlesexiæ qui nunc est, et successores sui sint deinceps imperpetuum separati et exonerati et prorsus liberati a jurisdictione, potestate, jure et auctoritate episcopi Londoniensis et successorum suorum, ac ab ecclesiâ cathedrali sancti Pauli Londoniæ ab omnique jure, potestate et auctoritate ejusdem ipsiusuqe archidiaconi, et successores suos per præsentes separamus, exoneramus, ac penitus imperpetuum liberamus, eundemque archidiaconum et successores suos decernimus, statuimus, ordinamus, ac stabilimus in simili statu, modo, formâ et jure esse, ac deinceps imperpetuum fore, in prædictâ ecclesiâ

cathedrali Westmonasterii quibus ipse aut aliquis prædecessorum suorum unquam fuit in ecclesiâ cathedrali sancti Pauli Londoniæ. Statuimus etiam et ordinamus ac per præsentes volumus et concedimus, quod prædictus Thomas episcopus Westmonasteriensis et successores sui episcopi Westmonasterienses habeant, teneant et possideant, in omnibus et per omnia auctoritatem, potestatem, jus et jurisdiccionem, de et super archidiaconatu Middlesexiæ et archidiacono qui nunc est ac successoribus suis, tam plene et integre ad omnem effectum quam episcopus Londoniensis qui nunc est aut aliquis prædecessorum suorum habet aut habuit, aut habere debuit vel usus fuit. Volumus autem ac per præsentes concedimus tam præfato episcopo quam decano et capitulo, quod habeat et habebit, habeant et habebunt, has literas nostras patentes sub magno sigillo nostro Angliæ debito modo factas et sigillatas, absque fine seu feodo magno vel parvo nobis in Hanaperio nostro seu alibi ad usum nostrorum, proinde quoquo modo reddendo solvendo vel faciendo eo quod expressa mentio, et cæt.

In cujus rei, &c.

Teste rege apud Westmonasterium decimo septimo die Decembris anno regni regis Henrici Octavi trigesimo secundo.

250 Number XXIV. [p. 302.]

A proclamation ordained by the king's majesty, with the advice of his honourable council, for the Bible of the largest and greatest volume to be had in every church; devised the sixth day of May, the xxxiii *year of the king's most gracious reign.*

WHERE BY INJUNCTIONS heretofore set forth by the authority of the king's royal majesty, supreme head of the church of this his realm of England, it was ordained and commanded, amongst other things, that in all and singular parish churches, there should be provided, by a certain day now expired, at the costs of the curates and parishioners, Bibles containing the Old and New Testament in the English tongue, to be fixed and set up openly in every of the said parish churches; the which godly commandment and injunction, was to the only intent that every of the king's majesty's loving subjects, minding to read therein, might, by occasion thereof, not only consider and perceive the great and ineffable omnipotent power, promise, justice, mercy and goodness of Almighty God; but also to learn thereby to observe God's commandments, and to obey their sovereign lord, and high powers, and to exercise godly charity, and to use themselves according to their vocations, in a pure and sincere Christian life, without murmur or grudging; by the which injunctions, the king's royal majesty intended that his loving subjects should have and use the commodity of the reading of the said Bibles, for the purpose above rehearsed, humbly, meekly, reverently, and obediently, and not that any of them should read the said Bibles with loud and high voices, in time of the celebration of the holy mass, and other divine services used in the church: nor that any his lay subjects reading the same, should presume to take upon them any common disputation, argument, or exposition of the mysteries therein contained; but that every such layman should, humbly, meekly, and reverently, read the same for his own instruction, edification, and amendment of his life, according to God's holy word therein mentioned. And notwithstanding the king's said most godly and gracious commandment and injunction, in form as is aforesaid, Regist. Bonner, [fol. 21.]

his royal majesty is informed, that divers and many towns and parishes within this his realm, have negligently omitted their duties in the accomplishment thereof, whereof his highness marvelleth not a little; and minding the execution of his said former most godly and gracious injunctions, doth straitly charge and command, that the curates and parishioners, of every town and parish within this his realm of England, not having already Bibles provided within their parish churches, shall on this side the feast of All-Saints next coming, buy and provide Bibles of the largest and greatest volume, and cause the same to be set and fixed in every of the said parish-churches, there to be used as is aforesaid, according to the said former injunctions, upon pain that the curate and inhabitants of the parishes and towns, shall lose and forfeit to the king's majesty, for every month that they shall lack and want the said Bibles, after the same feast of All-Saints, forty-shillings, the one half of the same forfeit to be to the king's majesty, and the other half to him or them which shall first find and present the same 251
to the king's majesty's council. And finally, the king's royal majesty doth declare and signify to all and singular his loving subjects, that to the intent they may have the said Bibles of the greatest volume, at equal and reasonable prices, his highness, by the advice of his council, hath ordained and taxed, that the sellers thereof shall not take for any of the said Bibles unbound, above the price of ten shillings; and for every of the said Bibles well and sufficiently bound, trimmed and clasped, not above twelve shillings, upon pain the seller to lose, for every Bible sold contrary to his highness' proclamation, forty shillings; the one moiety thereof to the king's majesty, and the other moiety to the finder and presenter of the defaulter, as is aforesaid. And his highness straitly chargeth and commandeth, that all and singular ordinaries, having ecclesiastical jurisdiction within this his church and realm of England, and dominion of Wales, that they, and every of them, shall put their effectual endeavours, that the curates and parishioners shall obey and accomplish this his majesty's proclamation and commandment, as they tender the advancement of the king's most gracious and godly purpose in that behalf, and as they will answer to his highness for the same.

God save the KING.

Number XXV. [p. 303.]

An admonition and advertisement given by the bishop of London, to all readers of this Bible in the English tongue.

TO the intent that a good and healthsome thing, godly and virtuously, for honest intents and purposes, set forth for many, be not hindered or maligned at, for the abuse, default, and evil behaviour of a few, who for lack of discretion, and good advisement, commonly without respect of time, or other due circumstances, proceed rashly and unadvisedly therein; and by reason thereof rather hinder than set forward the thing that is good of itself: it shall therefore be very expedient, that whosoever repaireth hither to read this book, or any such like, in any other place, he prepare himself chiefly and principally with all devotion, humility, and quietness, to be edified and made the better thereby; adjoining thereunto his perfect and most bounden duty of obedience to the king's majesty, our most gracious and dread sovereign lord, and supreme head, especially in accomplishing his grace's most honourable injunctions and commandments, given and made in that behalf. And right expedient, yea, necessary it shall be also, that leaving behind him vain glory, hypocrisy, and all other carnal and corrupt affections, he bring with him discretion, honest intent, charity, reverence, and quiet behaviour, to and for the edification of his own soul, without the hindrance, let, or disturbance of any other his Christian brother; evermore foreseeing that no number of people be specially congregate therefore to make a multitude; and that no exposition be made thereupon otherwise than it is declared in the book itself; and that especially regard be had that no reading thereof be used
252 aloud, and with noise in the time of any divine service, or sermon; or that in the same be used any disputation, contention, or any other misdemeanour: or finally, that any man justly may reckon himself to be offended thereby, or take occasion to grudge or malign thereat.

Regist. Bonner. [fol. 30 b.]

God save the KING.

Number XXVI. [p. 315.]

Injunctions given by Bonner, bishop of London, to his clergy.

[*Injunctiones factæ de consensu Edmundi Londoniensis episcopi clero suæ dioceseos.*]

Regist. Bonner. fol. 38. [b].

INJUNCTIONS made by the consent and authority of me Edmunde Boner bishop of London, in the year of our Lord God a thousand five hundredth forty and two, and in the four and thirtieth year of the reign of our sovereign lord, Henry the Eighth, by the grace of God, king of England, France, and Ireland, defender of the faith, and supreme head here in earth next under God, of the church of England and Ireland.

All which and singular injunctions, by the authority given to me of God, and by our said sovereign lord the king's majesty, I exhort, require, and also command, all and singular parsons, vicars, curates, and chauntry-priests, with other of the clergy, whatsoever they be, of my diocese and jurisdiction of London, to observe, keep, and perform, accordingly as it concerneth every of them, in virtue of their obedience, and also upon pains expressed in all such laws, statutes, and ordinances of this realm, as they may incur, and be objected against them, now, or at any time hereafter, for breaking and violating of the same, or any of them.

First; That you, and every of you, shall, with all diligence, and faithful obedience, observe and keep, and cause to be observed and kept, to the uttermost of your powers, all and singular the contents of the king's highness' most gracious and godly ordinances and injunctions given and set forth by his grace's authority; and that ye, and every of you, for the better performance thereof, shall provide to have a copy of the same in writing, or imprinted, and so to declare them accordingly.

Item; That every parson, vicar, and curate, shall read over and diligently study every week one chapter of the Bible, and

that with the gloss ordinary, or some other doctor or expositor, approved and allowed in this church of England, proceeding from chapter to chapter, from the beginning of the Gospel of Matthew, to the end of the New Testament; and the same so diligently studied to keep still and retain in memory, and to come to the rehearsal and recital thereof, at all such time and times as they, or any of them, shall be commanded thereunto by me, or any of my officers or deputies.

Item; That every of you do procure and provide of your own, a book called, *The Institution of a Christian Man,* otherwise called the *Bishops' Book;* and that ye, and every of you, do exercise yourselves in the same, according to such precepts as hath been given heretofore or hereafter to be given.

253 *Item;* That ye being absent from your benefices, in cases lawfully permitted by the laws and statutes of this realm, do suffer no priest to keep your cure, unless he being first by you presented, and by me or my officers thereunto abled and admitted. And for the more and better assurance and performance thereof to be had, by these presents I warn and monish peremptorily, all and singular beneficed parsons having benefices with cure, within my diocese and jurisdiction, that they and every of them, shall either be personally resident upon their benefices and cures, before the feast of St. Michael the arch-angel now next ensuing; or else present, before the said feast, to me the said bishop, my vicar-general, or other my officers deputed in that behalf, such curates as upon examination made by me, or my said officers, may be found able and sufficient to serve and discharge their cures in their absence; and also at the said feast, or before, shall bring in and exhibit before my said officers their sufficient dispensations authorized by the king's majesty, as well for non-residence, as for keeping of more benefices with cure than one.

Item; That every parson, vicar, and other curates, once in every quarter, shall openly in the pulpit exhort and charge his parishioners, that they in no wise do make any privy or secret contract of matrimony between themselves, but that they utterly differ it until such time as they may conveniently have the father and mother, or some other kinsfolk

or friends of the person that shall make such contract of matrimony; other else two or three honest persons to be present, and to hear and record the words and manner of their contract, as they will avoid the extreme pains of the law provided in that behalf, if they presumptuously do or attempt the contrary.

Item; That in the avoiding of divers and grievous offences and enormities, and specially the most detestable sin of adultery, which ofttimes hath happened by the negligence of curates in marrying persons together which had been married before, and making no due [proof] of the death of their other husbands and wives at the time of such marriages, I require and command you, and monish peremptorily by these presents, all manner parsons, vicars, and curates, with other priests, being of my diocese and jurisdiction, that they, ne any of them
[fol. 39.] from henceforth, do presume to solempnizate matrimony in their churches, chapels, or elsewhere, between any persons that have been married before, unless the said parson, vicar, curate, or priest, be first plainly, fully, and sufficiently informed and certified of the decease of the wife or husband of him or her, or of both, that he shall marry, and that in writing, under the ordinary's seal of the diocese, or place where he or she inhabited or dwelled before, under pain of excommunication, and otherwise to be punished for doing the contrary, according to the laws provided and made in that behalf.

Item; That ye, and every of you that be parsons, vicars, curates, and also chauntry-priests and stipendiaries, do instruct, teach, and bring up in learning the best ye can, all such children of your parishioners as shall come to you for the same; or at the least, to teach them to read English, taking moderately therefore of their friends that be able to pay, so that they may thereby the better learn and know how to believe, how to pray, how to live to God's pleasure.

Item; That every curate do at all times his best diligence 254
to stir, move, and reduce such as be at discord, to peace, concord, love and charity, and one to remit and forgive another, as often and howsoever they shall be grieved or offended: and that the curate shew and give example thereof, when and as often as any variance or discord shall happen to be between him and any of his cure.

Item; Where some froward persons, partly for malice, hatred, displeasure, and disdain; neglect, contemn, and despise their curates, and such as have the cure and charge of their souls; and partly to cloak and hide their lewd and naughty living, as they have used all the year before, use at lent to be confessed of other priests which have not the cure of their souls; wherefore I will and require you to declare, and shew to your parishioners, that no testimonials brought from any of them, shall stand in any effect; nor that any such persons shall be admitted to God's board, or receive their communion, until they have submitted themselves to be confessed of their own curates, (strangers only except,) or else upon arduous and urgent causes and considerations, they be other ways dispensed with in that behalf, other by me, or by my officers aforesaid.

Item; That where upon a detestable and abominable custom universally reigning in your parishes, the young people, and other ill-disposed persons doth use upon the Sundays and holy-days, in time of divine service, and preaching the word of God, to resort unto ale-houses, and there exerciseth unlawful games, with great swearing, blasphemy, drunkenness, and other enormities, so that good and devout persons be much offended therewith: wherefore I require and command you, to declare to such as keepeth ale-houses, or taverns, within your parishes, that at such times from henceforth, they shall not suffer in their houses any such unlawful and ungodly assemblies; nother receive such persons to bowling and drinking at such seasons, into their houses, under pain of excommunication, and other ways to be punished for their so doing, according to the laws in that behalf.

Item; That all curates shall declare openly in the pulpit, twice every quarter, to their parishioners, the seven deadly sins, and the Ten Commandments, so that the people thereby may not only learn how to obey, honour, and serve God, their prince, superiors, and parents, but also to avoid and eschew sin and vice, and to live virtuously, following God's commandments and his laws.

Item; That where I am credibly informed, that certain priests of my diocess and jurisdiction, doth use to go in an unseemly and unpriestly habit and apparel, with unlawful

tonsures, wearing and having upon them also armour and weapons, contrary to all wholesome and godly laws and ordinances, more like persons of the laity, than of the clergy, which may and doth minister occasion to light persons, and to persons unknown, where such persons cometh in place, to be more licentious both of their conversation, and also of their acts, to the great slander of the clergy: wherefore in the avoiding of such slander and obloquy hereafter, I admonish and command all and singular parsons, vicars, curates, and all other priests whatsoever they be, dwelling, and inhabiting, or hereafter shall dwell and inhabit within my diocese and jurisdiction, that from henceforth they, and every of them, do use and wear meet, convenient and decent apparel, with their 255
tonsures accordingly, whereby they may be known at all times from lay-people, and to be of the clergy, as they intend to avoid and eschew the penalty of the laws ordained in that behalf.

Item; That no parson, vicar, or other beneficed man, having cure within my diocess and jurisdiction, do suffer any priest to say mass, or to have any service within their cure, unless they first give knowledge, and present them with the letters of their Orders to me as Ordinary, or to my officers deputed in that behalf; and the said priest so presented, shall be by me, or my said officers, found hable and sufficient thereunto.

Item; That every curate, not only in his preachings, open sermons, and collations made to the people, but also at all other times necessary, do persuade, exhort, and monish the people, being of his cure, whatsoever they be, to beware and abstain from swearing and blaspheming the holy name of God, or any part of Christ's most precious body or blood. And likewise to beware, and abstain from cursing, banning, chiding, scolding, backbiting, slandering, and lying. And also from talking and jangling in the church, specially in time of divine service or sermon-time. And semblably to abstain adultery, fornication, gluttony, and drunkenness: and if they, or any of them, be found notoriously faulty or infamed upon any of the said crimes and offences, then to detect them at every visitation, or sooner, as the case shall require, so that the said offenders may be corrected and reformed to the example of other.

Item; That no priest from henceforth do use any unlawful

games, or frequently use any ale-houses, taverns, or any suspect place at any unlawful times, or with any light company, but only for their necessaries, as they, and either of them, will avoid the danger that may ensue thereupon.

Item; That in the plague-time, no dead bodies or corpses be brought into the church, except it be brought straight to the grave, and immediately buried, whereby the people may the rather avoid infection.

Item; That no parsons, vicars, ne curates, permit or suffer any manner of common plays, games, or interludes, to be played, set forth, or declared, within their churches, or chapels, *where the blessed sacrament of the altar is, or any other sacrament ministered, or divine service said or sung: because they be places constitute and ordained to well disposed people for godly prayer, and wholesome consolation. And if there be any of your parishioners, or any other person or persons, that will obstinately or violently inforce any such plays, interludes, or games to be declared, set forth or played in your churches, or chapels,* contrary to this our forbidding and commandment, that then you, or either of you, in whose churches or chapels any such games, plays, or interludes, shall be so used, shall immediately thereupon make relation of the names of the person, or persons, so obstinately and disobediently using themselves, unto me, my chancellor, or other my officers, to the intent that they may be therefore reformed and punished according to the laws.

Item; That all priests shall take this order when they preach; first, they shall not rehearse no sermons made by other men within these CC or CCC years; but when they shall preach, they shall *not*[32] take the Gospel, or Epistle, of the day, which they shall recite and declare to the people plainly, distinctly, and sincerely, from the beginning to the end thereof, and then to desire the people to pray with them for grace, after the usage of the church of England now used: and that done, we will that every preacher shall declare the same Gospel,
256 or Epistle, or both, even from the beginning, not after his own mind, but after the mind of some catholic doctor allowed in this church of England, and in no wise to affirm any thing, but that which he shall be ready always to shew in some

[32] [In the MS. underscored, as if it had been noticed as a mistake.]

ancient writer; and in no wise to make rehearsal of any opinion not allowed, for the intent to reprove the same, but to leave that for those that are and shall be admitted to preach by the king's majesty, or by me, the bishop of London, your Ordinary, or by mine authority. In the which Epistle or Gospel, ye shall note and consider diligently, certain godly and devout places, which may incense and stir the hearers to obedience of good works and prayers: and in case any notable ceremony used to be observed in the church, shall happen that day when any preaching shall be appointed, it shall be meet and convenient that the preacher declare and set forth to the
[fol. 39 b.] people the true meaning of the same, in such sort that the people may perceive thereby, what is meant, and signified by such ceremony, and also know how to use and accept it to their own edifying. Furthermore, that no preacher shall rage or rail in his sermon, but coldly, discreetly, and charitably, open, declare, and set forth the excellency of virtue; and to suppress the abomination of sin and vice, every preacher shall, if time and occasion will serve, instruct and teach his audience, what prayer is used in the church that day, and for what thing the church prayeth, specially that day, to the intent that all the people may pray together with one heart for the same; and as occasion will serve, to shew and declare to the people what the sacraments signifieth, what strength and efficacy they be of, how every man should use them reverently and devoutly at the receiving of them. And to declare wherefore the mass is so highly to be esteemed and honoured, with all the circumstances appertaining to the same. Let every preacher beware that he do not feed his audience with any fable, or other histories, other than he can avouch and justify to be written by some allowed writer. And when he hath done all that he will say and utter for that time, he shall then in few words recite again, the pith and effect of his whole sermon, and add thereunto as he shall think good.

Item; That no parson, vicar, curate, or other priest, having cure of souls within my diocese and jurisdiction, shall from henceforth permit, suffer, or admit any manner person, of whatsoever estate or condition he be, under the degree of a bishop, to preach, or make any sermon or collation openly to the people within their churches, chapels, or elsewhere within

their cures, unless he that shall so preach have obtained before special licence in that behalf, of our sovereign lord the king, or of me Edmunde, bishop of London, your Ordinary; and the same licence so obtained, shall then and there really bring forth in writing under seal, and shew the same to the said parson, vicar, curate, or priest, before the beginning of his sermon, as they will avoid the extreme penalties of the laws, statutes, and ordinances, provided and established in that behalf, if they presumptuously do or attempt any thing to the contrary.

Item; I desire, require, exhort, and command you, and every of you, in the name of God, that ye firmly, faithfully, and diligently, to the uttermost of your powers, do observe, fulfil, and keep all and singular these mine injunctions. And
257 that ye, and every of you, being priests, and having cure, or not cure, as well beneficed as not beneficed, within my diocese and jurisdiction, do procure to have a copy of the same injunctions, to the intent ye may the better observe, and cause to be observed the contents thereof.

The names of books prohibited, delivered to the curates, anno 1542. *to the intent that they shall present them with the names of the owners, to their Ordinary, if they find any such within their parishes.*

The Disputation between the Father and the Son.
The Supplication of Beggars; the author Fyshe.
The Revelation of Antichrist.
The Practice of Prelates[33].
The Burying of the Mass, in English in Rhyme.
The Book of Friar Barnes, twice printed.
The Matrimony of Tyndale.
The Exposition of Tyndale upon the 4[34] chapter to the Corinthians.
The Exposition of Tyndale, upon the Epistles Canonick of St. John.

[33] Add written by Tyndale. [S.]

[34] For 4th read 7th. [S.]

The New Testament of Tyndale's Translation, with his Preface before the whole Book, and before the Epistles of St. Paul *ad Ro.*

The Preface made in the English Prymmers, by Marshall.

The Church of John Rastall.

The Table, Glosses, Marginal, and Preface before the Epistle of St. Paul *ad Romanos* of Thomas Mathews' doing, and printed beyond the sea without priviledg, set in his Bible in English[35].

The *A. B. C.* against the clergy.

The Book made by Frier Rye against the Seven Sacraments.

The wicked Mammon.

The Parable of the wicked Mammon.

The Liberty of a Christian Man.

The Book called *Ortulus Animæ*, in English.

The Supper of the Lord, of George Joye's doing.

The Disputation of John Fryth against Purgatory.

The Answer of Tyndale unto sir T. More's Defence for Purgatory.

The first book of Moses called the Genesis.

The Prologue before the second book of Moses called Exodus.

The Prologue before the third book of Moses called Leviticus.

The Prologue before the fourth book of Moses called Numeri.

The Prologue before the fifth book of Moses called Deuteronomy.

The Obedience of a Christian Man.

The Book of ..... made by John Owldecastell.

The Sume of Scripture.

The Preface before the Psalter in English.

All Calvyn's Works.

All Luther's Works.

[35] [Here this catalogue terminated in the first two editions, the author or his amanuensis apparently being tired of copying. The remainder have been added as they occur in Bonner's Register. Strype in his notes at the end of the third volume, p. 418, says,] 'There are twenty-six more books published at this time as appears by a MS. of the bishop of Ely's; which follow.' [S.] [These have been omitted in this note as they are a slightly abridged transcript, with unimportant variations of the copy in the text. They were inserted in the folio edition of 1715 from the third volume.]

The Dialogue of Goodeale.
The *Defensorium Pacis* of Saxseyn's Translation into English.
The Sume of Christianity.
The Mirrour or Glass of those that be Sick and in Pain.
A little Treatise in French of the Supper of the Lord, made by Calvyne.
The Dialogue between the Gentleman and the Ploughman.
The Book of Jonas in English[36].

[36] [See Fox, vol. 2. p. 234 sqq. for extracts from Tunstall's and Bonner's Registers, commencing with the year 1526, containing the names of some of these prohibited books, together with several others.]

Number XXVII. [p. 330.]

A Collection of passages out of the canon law, made by Cranmer, to shew the necessity of reforming it. An original[50].

Dist. 22.; *Omnes.—De major. et obedien.; Solitæ.—Extra.; De majorit. et obedient.; Unam sanctam.*

Ex MSS. D. Stillingfleet. [Lambeth, Libr. 1107. fol. 76.]

HE that knowledgeth not himself to be under the bishop of Rome, and that the bishop of Rome is ordained by God to have primacy over all the world, is an heretic, and cannot be saved, nor is not of the flock of Chryste.

Dist. 10.—*De sententiâ excommunicationis; Noverit.—* 25. *q.* 1.; *Omne.*

Princes' laws, if they be against the canons and decrees of the bishop of Rome, be of no force nor strength.

Dist. 19.—20.—24. *q.* 1.; *A rectâ, Memor, Quotiens, Hæc est.—*25. *q.* 1. *Generali, Violatores.* 258

All the decrees of the bishop of Rome ought to be kept perpetually of every man, without any repugnancy, as God's word spoken by the mouth of Peter; and whosoever doth not receive them, neither availeth them the catholic faith, nor the four evangelists, but they blaspheme the Holy Ghost, and shall have no forgiveness.

25. *q.* 1.; *Generali.*

All kings, bishops, and noblemen, that allow or suffer the bishop of Rome's decrees in any thing to be violate, be accursed, and for ever culpable before God, as transgressors of the catholic faith.

[50] Here your lordship must have trusted an unskilful amanuensis. The copy is so full of mistakes, I will note a few. [B. Here follows a list of about thirty mistakes, which appear in the second edition, and with one exception also in the first. They were corrected in the folio edition of 1715, from which the modern reprints have been taken, all of which are full of errors.]

Dist. 21.; *Quamvis.—et* 24. *q.* 1, *A rectâ, Memor.*

The see of Rome hath neither spot nor wrinkle in it, nor cannot err.

25. *q.* 1.; *Ideo.—De senten. et re judicatâ.—De jurejurando; Licet.—Ad apostolicæ.—Li.* 6.; *De jurejurando.*

The bishop of Rome is not bound to any decrees, but he may compel, as well the clergy as laymen, to receive his decrees and canon law.

9. *q.* 3.; *Ipsi, Cuncta, Nemo.—*3. *q.* 6.; *Dudum, Aliorum.—* 17. *q.* 4.; *Si quis.—De baptis. et ejus effectu; Majores.*

The bishop of Rome hath authority to judge all men, and specially to discern the articles of the faith, and that without any council, and may assoil them that the council hath damned; but no man hath authority to judge him, nor to meddle with any thing that he hath judged, neither emperor, king, people, nor the clergy: and it is not lawful for any man to dispute of his power.

96.; *Duo sunt.—*25. *q.* 6.; *Alius, Nos sanctorum, Juratos.— In Clemen. de hæreticis; Ut officium.*

The bishop of Rome may excommunicate emperors and princes, depose them from their states, and assoil their subjects from their oath and obedience to them, and to constrain them to rebellion.

De major. et obedien.; Solitæ.—Clement.; De sententiâ et re judicatâ; Pastoral.

The emperor is the bishop of Rome's subject, and the bishop of Rome may revoke the emperor's sentence in temporal causes.

259 *De elect. et electi potestate; Venerabilem.*

It belongeth to the bishop of Rome to allow or disallow the emperor after he is elected; and he may translate the empire from [one] region to another.

De supplendâ neglig. prælat.; Grand. li. 6.

The bishop of Rome may appoint coadjutors unto princes.

Dist. 17.; *Sinodum, Regula, Nec licuit, Multum*[38], *Concilia.*—96.; *Ubinam.*

There can be no council of bishops without the authority of the see of Rome; and the emperor ought not to be present at the council, except when matters of the faith be entreating, which belong universally to every man.

2. *q.* 6.

Nothing may be done against him that appealeth unto Rome.

9. *q.* 3.; *Aliorum.*—Dist. 40.; *Si papa.*—Dist. 96.; *Satis.*

The bishop of Rome may be judged of none but of God only; for although he neither regard his own salvation, nor no man's else, but draw down with himself innumerable people by heaps unto hell; yet may no mortal man in this world presume to reprehend him: forsomuch as he is called God, he may be judged of no man, for God may be judged of no man.

24. *q.* 5.[39]

The bishop of Rome may open and shut heaven unto men.

Dist. 40.; *Non nos.*

The see of Rome receiveth holy men, or else maketh them holy.

[fol. 77.] *De pœnitentiâ*; Dist. 1.; *Serpens.*

He that maketh a lie to the bishop of Rome committeth sacrilege.

De consecra; Dist. 1.; *De locorum, Præcepta, Ecclesia.—De elect. et electi potestate; Fundamenta.*

To be senator, captain, patricius, governor, or officer of Rome, none shall be elected or pointed, without the express licence and special consent of the see of Rome.

De electione et electi potestate; Venerabilem. 260

It appertaineth to the bishop of Rome to judge which oaths ought to be kept, and which not.

De jurejurand.; Si vero.—15. *q.* 6.; *Authoritatem.*

And he may absolve subjects from their oath of fidelity, and absolve from other oaths that ought to be kept.

[38] [Apparently a mistake for *Multis.*]

[39] [This appears to be a mistake in the original for q. 1. cap. 5.; *Manet.*]

De foro competent.; Ex tenore.—De donat. inter virum et uxorem; De prudentiâ.—Qui filii sunt legittimi; Per venerabilem.—De elect. et electi potestate; Fundamenta.—Extravag.; De majorit. et obedient.; Unam sanctam.—De judiciis; Novit.

The bishop of Rome is judge in temporal things, and hath two swords, spiritual and temporal.

De hæreticis; Multorum.

The bishop of Rome may give authority to arrest men, and imprison them, and put them in manacles and fetters.

Extrav.; De consuetudine; Super gentes.

The bishop of Rome may compel princes to receive his legates.

De treugâ et pace; Treugas.

It belongeth also to him to appoint and command peace and truce to be observed and kept, or not.

De præbend. et dig.; Dilectus.—Et li. 6.; Licet.

The collation of all spiritual promotions appertain to the bishop of Rome.

De excessibus prælatorum; Sicut unire.

The bishop of Rome may unite bishoprics together, and put one under another at his pleasure.

Li. 6.; De pœnis; Felicis.

In the chapter *Felicis, li. 6. de pœnis*, is the most partial and unreasonable decree made by Bonifacius VIII. that ever was read or heard, against them that be adversaries to any cardinal of Rome, or to any clerk, or religious man of the bishop of Rome's family.

Dist. 28.; *Consulendum.*—Dist. 96.; *Si imperator.*—11. *q.* 1.;
261 *Quod clericus, Nemo, Nullus, Clericum, &c.—Et q.* 2.; *Quod vero.—De sentent. excommunication.; Si judex.—q.*[40] 2. *q.* 5.; *Si quis.—De foro competent.; Nullus, Si quis, Ex transmissâ.—De foro compet. in* 6.; *Seculares.*

Laymen may not be judges to any of the clergy, nor compel them to pay their undoubted debts, but the bishops only must be their judges.

[40] [This q. has been inserted by mistake.]

De foro competent.; Cum sit, Licet.

Rectors of churches may convent such as do them wrong, whither they will, before a spiritual judge, or a temporal.

Ibidem; Ex parte, Dilecti.

A layman being spoiled, may convent his adversary before a spiritual judge, whether the lords of the feode consent thereto or not.

Ibidem; Significâsti. Et 11. *q.* 1.; *Placuit.*

A layman may commit his cause to a spiritual judge; but one of the clergy may not commit his cause to a temporal judge, without the consent of the bishop.

Ne clerici vel monachi; Secundum.

Laymen may have no benefices to farm.

De sententiâ excommunicationis; Noverit.—Extra.; De pœnitentiis et remiss.; Etsi.

All they that make, or write any statutes contrary to the liberties of the church; and all princes, rulers, and counsellors, where such statutes be made, or such customs observed, and
[fol. 78.] all the judges and other that put the same in execution; and where such statutes and customs have been made and observed of old time, all they that put them not out of their books be excommunicate, and that so grievously, that they cannot be assoiled but only by the bishop of Rome.

De immunitate ecclesiæ; Non minus, Adversus, Quia.—Quum.—Et in 6.; *Clericis.*

The clergy, to the relief of any common necessity, can nothing confer without the consent of the bishop of Rome; nor it is not lawful for any layman to lay any imposition of taxes, subsidies, or any charges upon the clergy.

Dist. 97.; *Hoc capitulo et* 63.; *Nullus et quæ sequuntur.—Et* 262
Di. 96.; *Illud, et; Bene quidem.—De rebus ecclesiæ non alien.; Cum laic.*

Laymen may not meddle with elections of the clergy, nor with any other thing that belongeth unto them.

De jurejurando; Nimis.

The clergy ought to give no oath of fidelity to their temporal governors, except they have temporalities of them.

Dist. 96.; *Bene quidem.*—12. *q.* 2.; *Apostolicos, Quisquis.*

The goods of the church may in no wise be alienated, but whosoever receiveth or buyeth them, is bound to restitution; and if the church have any ground which is little or nothing worth, yet it shall not be given to the prince; and if the prince will needs buy it, the sale shall be void and of no strength.

12. *q.* 2.; *Non liceat.*

It is not lawful for the bishop of Rome to alienate or mortgage any lands of the church, for any manner of necessity, except it be houses in cities, which be very chargeable to support and maintain.

Dist. 96.; *Quis, Nunquam.*—2. *q.* 7.; *Accusatio.*—11. *q.* 1.; *Continuâ, Nullus, Testimonium, Relatum, Experientiæ, Si quisquam, Si quæ, Sicut, Statuimus, Nullus, Aliud, De personâ, Si quis.*

Princes ought to obey the bishops, and the decrees of the church, and to submit their heads unto the bishops, and not to be judge over the bishops; for the bishops ought to be forborne, and to be judged of no layman.

De major. et obedien.; Solitæ.

Kings and princes ought not to set bishops beneath them, but reverently to rise against them, and to assign them an honourable seat by them.

11. *q.* 1.; *Quæcunque, Relatum, Si quæ, Omnes, Volumus, Placuit.*

All manner of causes, whatsoever they be, spiritual or temporal, ought to be determined and judged by the clergy.

Ibidem; Omnes.

No judge ought to refuse the witness of one bishop, although he be but alone.

De hæreticis; Ad abolendam.—Et in Clementinis; Ut officium. 263

Whosoever teacheth or thinketh of the sacraments otherwise than the see of Rome doth teach and observe, and all they that the same see doth judge heretics, be excommunicate.

And the bishop of Rome may compel by an oath, all rulers and other people, to observe, and cause to be observed, whatsoever the see of Rome shall ordain concerning heresy, and the fautors thereof; and who will not obey, he may deprive them of their dignities.

Clement.; De reliq. et venerat. sanctorum; Si Dominum.—Extravag.; De reliq. et venerat. sanctorum; Cum præ excelsâ. —De pœnitent. et remiss., Antiquorum.—Et Clemen.; Unigenitus, Quemadmodum.

[fol. 79.] We obtain remission of sin, by observing of certain feasts, and certain pilgrimages in the jubilee, and other prescribed times, by virtue of the bishop of Rome's pardons.

De pœnitentiis et remissionibus; Extravag. ca. 5.; Et si Dominici.

Whosoever offendeth the liberties of the church, or doth violate any interdiction that cometh from Rome, or conspireth against the person, or statute of the bishop, or see of Rome; or by any ways offendeth, disobeyeth, or rebelleth against the said bishop, or see; or that killeth a priest, or offendeth personally against a bishop, or other prelate; or invadeth, spoileth, withholdeth, or wasteth lands belonging to the church of Rome, or to any other church, immediately subjected to the same; or whosoever invadeth any pilgrims that go to Rome, or any suitors to the court of Rome, or that let the devolution of causes unto that court, or that put any new charges or impositions, real or personal upon any church, or ecclesiastical person; and generally all other that offend in the cases contained in the bull, which is usually published by the bishops of Rome upon Maundy Thursday; all these can be assoiled by no priest, bishop, archbishop, nor by none other, but only by the bishop of Rome, or by his express licence.

24. *q.* 3.

Robbing of the clergy, and poor men, appertaineth unto the judgment of the bishops.

23. *q.* 5.

He is no man-slayer that slayeth a man which is excommunicate.

Dist. 63.; *Tibi domino.—De sententiâ excommunicationis; Si judex.*

Here may be added to the most tyrannical and abominable oaths which the bishop of Rome exacts of the emperors; *in Clement. de jurejurando; Romani; Dist.* 63. *Tibi domino.*

264 *De consecra.;* Dist. 1.; *Sicut.*

It is better not to consecrate, than to consecrate in a place not hallowed.

De consecrat.; Dist. 5.; *De his, Manus, Ut jejuni.*

Confirmation, if it be ministered by any other than a bishop, is of no value, nor is no sacrament of the church; also confirmation is more to be had in reverence than baptism; and no man by baptism can be a Christian man without confirmation.

De pœnitent.; Dist. 1.; *Multiplex.*

A penitent person can have no remission of his sin, but by supplication of the priest.

[The bishop of Rome allegeth falsely to maintain his usurped power these scriptures following, with many other:

In the chapter *Unam sanctam* he abuseth to that purpose this text, *Pasce oves meas*, and this also, *Unum est ovile et unus pastor;* and *Ecce duo gladii hic;* et *Converte gladium tuum in vaginam;* et *Quæcunque a Deo sunt ordinata sunt;* et *Ecce constitui te hodie super gentes et regna;* et *Spiritualis homo judicat omnia, ipse autem a nemine judicatur;* et *Quodcunque ligaveris super terram, &c.;* et *In principio creavit Deus cœlum et terram.* In the chapter *Solitæ, De major. et obed.* he abuseth these texts, *Subditi estote omni humanæ creaturæ propter Deum, sive regi tanquam præcellenti, sive ducibus, &c.;* also this text, *Ecce constitui te super gentes et regna, &c.;* also this, *Fecit Deus duo luminaria magna in firmamento cœli luminare majus, &c.;* also *Pasce oves meas;* et *Quodcunque ligaveris super terram, &c.* In the chapter *Per*

venerabilem, Qui filii sunt legit., he abuseth and false corrupteth this text, Deut. 17. *Si difficile et ambiguum apud te judicium esse perspexeris inter sanguinem et sanguinem, &c.;* leaving out these words, *secundum legem Dei:* also he abuseth this text, *Nescitis quoniam angelos judicabimus? quanto magis sæcularia.*] [41]

[41] [This collection of passages from the Canon law was printed by the author from the copy in the Lambeth Library. He appears to have had no conception of the meaning of the headings of reference. The consequence of this was that he made several mistakes in nearly every line. The references in the MS. were in nearly every case correct. The document has been printed in both the recent editions of Cranmer's Works, with tolerable correctness. Some mistakes occur in them, which may perhaps be attributed to the readings of another MS. in the library of Corpus Christi College at Cambridge, CCCXL. p. 447. to which reference is made.

It has not been thought worth while to give fuller references to the Canon Law, as there is no difficulty in finding the places. They are however given at length, and with two or three exceptions correctly, by the editor of the Parker Society's edition of Cranmer's Works, p. 68.]

Number XXVIII. [p. 331.]

A mandate for publishing and using the prayers in the English tongue.

Mandatum domino episcopo Londoniensi directum pro publicatione regiarum injunctionum.

MOST reverend father in God, right trusty and right well-beloved we greet you well, and let you wit, that calling to our remembrance the miserable state of all Christendom, being at this present, besides all other troubles, so plagued with most cruel wars, hatreds, and dissensions, as no place of the same almost (being the whole reduced to a very narrow corner) remaineth in good peace, agreement, and concord; the help and remedy whereof far exceeding the power of any man, must be called for of him who only is able to grant our petitions, and never forsaketh nor repelleth any that firmly believe, and faithfully call on him; unto whom also the examples of scripture encourageth us, in all these and other our troubles and necessities, to fly and to cry for aid and succour; being therefore resolved to have continually from henceforth general processions, in all cities, towns, churches, and parishes of this our realm, said and sung, with such reverence and devotion as appertaineth; forasmuch as heretofore the people, partly for lack of good instruction and calling on, partly for that they understood no part of such prayers or suffrages as were used to be sung and said, have used to come very slackly to the procession, when the same have been commanded heretofore: Register, Cranmer. fol. 48 [b].

WE HAVE set forth certain godly prayers and suffrages in our native English tongue, which we send you herewith, signifying unto you, that for the special trust and confidence we have of our[42] godly mind, and earnest desire, to the setting forward of the glory of God, and the true worshipping of his most holy name, within that province committed by us unto you, we [fol. 49.]

[42] [A mistake of writing for *your*.]

have sent unto you these suffrages, not to be for a month 265
or two observed, and after slenderly considered, as other our injunctions have, to our no little marvel, been used; but to the intent that as well the same, as other our injunctions, may earnestly be set forth by preaching good exhortations and other ways to the people, in such sort as they feeling the godly taste thereof, may godly and joyously, with thanks, receive, embrace, and frequent the same, as appertaineth.

WHEREFORE we will and command you, as you will answer unto us for the contrary, not only to cause these prayers and suffrages aforesaid to be published frequently, and openly used in all towns, churches, villages, and parishes of your own diocese, but also to signify this our pleasure, unto all other bishops of your province, willing and commanding them in our name, and by virtue hereof, to do and execute the same accordingly. Unto whose proceedings, in the execution of this our commandment, we will that you have a special respect, and make report unto us, if any shall not with good dexterity accomplish the same; not failing, as our special trust is in you.

[GIVEN under our signet] at [our manor of] Saint James [the 11th of] June, the 36 year of our reign. [*In capite vero eorundem sic scriptum est* (By the king). *Inscriptio autem hæc est.* To the most reverend father in God our right trusty and right well-beloved counsellor the archbishop of Canterbury[43].]

[43] [This document has been printed in a letter of Bonner's to the dean and chapter of St. Paul's, by the Camden Society Eccles. Documents, 1840, p. 87. There are two or three slight variations in words, not worth noticing.]

Number XXIX. [p. 341.]

The articles acknowledged by Shaxton, late bp. of Sarum.

HEREAFTER followeth the true copy of the articles. Register, Bonner, fol. 100[b].

The first; Almighty God by the power of his word, pronounced by the priest at mass in the consecration, turneth the bread and wine into the very natural body and blood of our Saviour Jesus Christ; so that after the consecration, there remaineth no substance of bread and wine, but only the substance of Christ, God and man.

The second; The said blessed sacrament being once consecrate, is and remaineth still the very body and blood of our Saviour Christ, although it be reserved, and not presently distributed.

The third; The same blessed sacrament being consecrate, is and ought to be worshipped and adored with godly honour wheresoever it is, forasmuch as it is the body of Christ inseparably united to the Deity.

The fourth; The church, by the ministration of the priest, offereth daily at the mass for a sacrifice to Almighty God, the self-same body and blood of our Saviour Christ, under the form of bread and wine, in the remembrance and representation of Christ's death and passion.

The fifth; The same body and blood which is offered in the mass, is the very propitiation and satisfaction for the sins of the world; forasmuch as it is the self-same in substance which was offered upon the cross for our redemption: and the oblation and action of the priest is also a sacrifice of praise and thanks-
266 giving unto God for his benefits, and not the satisfaction for the sins of the world, for that is only to be attributed to Christ's passion.

The sixth; The said oblation, or sacrifice, so by the priest offered in the mass, is available and profitable both for the quick and the dead, although it lieth not in the power of man to limit how much, or in what measure the same doth avail.

The seventh; It is not a thing of necessity, that the sacra-

ment of the altar should be ministered unto the people under both kinds of bread and wine: and it is none abuse that the same be ministered to the people under the one kind; forasmuch as in every of both the kinds, whole Christ, both body and blood is contained.

The eighth; It is no derogation to the virtue of the mass, although the priest do receive the sacrament alone, and none other receive it with him.

The ninth; The mass used in this realm of England is agreeable to the institution of Christ; and we have in this church of England, the very true sacrament, which is the very body and blood of our Saviour Christ, under the form of bread and wine.

The tenth; The church of Christ hath, doth, and may lawfully order some priests to be ministers of the sacraments, although the same do not preach, nor be not admitted thereunto.

The eleventh; Priests being once dedicate unto God by the order of priesthood, and all such men and women as have advisedly made vows unto God of chastity or widowhood, may not lawfully marry after their said orders received, or vows made.

The twelfth; Secret auricular confession is expedient and necessary to be retained, continued and frequented in the church of Christ.

The thirteenth; The prescience and predestination of Almighty God, although in itself it be infallible, induceth no necessity to the action of man, but that he may freely use the power of his own will or choice, the said prescience or predestination notwithstanding.

I Nycolas Shaxton, with my heart do believe, and with my mouth do confess all these articles above-written to be true in every part.

Ne despicias hominem avertentem se a peccato, neque improperes ei: memento quoniam omnes in corruptione sumus, Eccl. viij.

267 ## Number XXX[44]. [p. 349.]

A letter written by Lethington the secretary of Scotland, to sir William Cecil, the queen of England's secretary, touching the title of the queen of Scots to the crown of England; by which it appears that king Henry's will was not signed by him.

I CANNOT be ignorant that some do object as towards[45] her majesty's foreign birth, and thereby think to make her incapable of the inheritance of England. To that you know for answer what may be said by an[46] English patron of my mistress' cause, although I being a Scot will not affirm the same, That there ariseth amongst you a question[47], Whether the realm of Scotland be forth of the homage and legeance of England? and heretofore you have in sundry proclamations preceding your wars making, and in sundry books at several times, laboured much to prove the homage and fealty of Scotland to England. Your stories also be not void of this intent. What the judgment of the fathers of your law is, and what commonly is thought in this matter, you know better than I, and may have better[48] intelligence than I, the argument being fitter for your assertion than mine. Ex MSS. D.G.Petyt. [No. 538. vol. xxxvi. fol. 87 d.]

Another question there is also upon this objection of foreign birth; that is to say, Whether princes inheritable to the crown be, in[49] case of the crown, exempted or concluded as private persons being strangers born forth of the legeance of England. You know in this case, as[50] divers others, the state of the crown: the persons inheritable to the crown at the time of their capacity, have divers differences and prerogatives from other persons[51]; many laws made for subjects take no hold in[52] case

[44] [The notes at the foot of the page are various readings from a contemporary copy of this letter printed by the Camden Society in the Egerton Papers, 1840, p. 41. From them it will appear that both copyists have made some mistakes in transcribing. Mere differences of spelling have not been noticed.]

[45] [*as a traverse.*] [46] [*any.*] [47] [*a question amongst you.*]
[48] [*much better.*] [49] [*the case.*] [50] [*as in.*] [51] [*possessions.*]
[52] [*the case.*]

of the prince, and they have such privileges as other persons enjoy not; as in case[53] of attainders, and other penal laws: examples, Henry the Seventh, who being a subject, was attainted; and Edward the fourth and his father Richard Plantagenet[54] were both attainted; all which claimed, notwithstanding their attainders, the crown, and two of them attained the same.

Amongst many reasons to be shewed, both for these differences, and that foreign birth doth not take place in the case of the crown, as in common persons, the many experiences before the conquest, and since, of your kings do plainly testify. Two of purpose I will name unto you, Henry the Second, Maude the empress' son, and Richard of Bourdeux the Black Prince's son, the rather for that neither of the two was the king of
[fol. 88.] England's son, and so not *enfants du roy,* if the word be taken in this[55] strict signification. And for the better proof that it was always the common law of your realm, that in the case of the crown, foreign birth was no bar; you do remember the words of the Statute of 25. Edward III. where it is said, the law was ever so: whereupon, (if you can remember it,) you and I fell once at a reasoning in my lord of Liecester's chamber, by occasion of the abridgment of Rastall, wherein I did shew you somewhat to this purpose; also these words, *Enfants* and *ancestors* be in *prædicamento ad aliquid,* and so correlatives in such sort, as the meaning of the law was not to restrain the understanding of these[56] words *enfants,* so strict as only to the children of the king's body, but to others inheritable in remainder, and namely in the next remainder. And if some sophisters will needs cavil about the precise understanding of *enfant*[57], let them be an- 268
swered with the scope[58] of this word *ancestors.* In all provisions, for *filii, nepotes,* and[59] *liberi,* you may see there was no difference betwixt the first degree, and these[60] that come after. Of the civil law, *Liberorum appellatione, comprehenduntur non solum filii, verum etiam nepotes, pronepotes, abnepotes,* &c.[61] If you examine the reason why foreign birth is excluded, you may see that it was not so needful in princes' cases[62], as in common persons. Moreover, I know that England hath oftentimes

[53] [*cases.*] [54] [*whose father Richard Plantagenet and himself.*]
[55] [*his.*] [56] [*those.*] [57] [*enfantz.*] [58] [*stopp.*] [59] [*et.*]
[60] [*those.*] [61] [*which.*] [62] [*causes.*]

made great alliances with daughters, and matched them with the greatest foreign princes of Europe. And so I do[63] also understand, that they all did repute the children of them, and of the daughters of England, inheritable in succession to that crown, notwithstanding the foreign birth of their issue: and in case I do appeal to all chronicles, to their contracts of marriages, and to the opinion of all the princes of Christendom. For though England be a noble and puissant country, the respect of the alliance only, and the dowry[64], hath not moved the great princes to match so often in marriage, but the possibility of the crown in succession. I cannot be ignorant altogether of this matter, considering that I serve my sovereign in the room that you serve your's. The contract of marriage is extant[65] betwixt the king, my mistress' grandfather, and queen Margaret, daughter to[66] king Henry the VIIth, by whose person the title is devolved[67] on my sovereign; what her father's meaning was in the bestowing of her, the world knoweth, by that[68] that is contained in the[69] chronicles written by Polidorus Virgilius, before (as I think) either you or I were born; at least when it was little thought that[70] this matter should come in question. There is another[71] exception also laid against my sovereign, which seemeth at the first to be of some weight, grounded upon certain statutes made in king Henry the Eighth's time, (viz.) of the 28th, and 35th of his reign, whereby full power and authority was given him[72] the said king Henry, to give, dispose, appoint, assign, declare, and limit, by his letters patents under his great seal, or else by his last will made in writing, and signed with his hand at his own pleasure, from time to time thereafter the imperial crown of that realm, &c.[73] Which imperial crown is by some alleged and constantly affirmed to have been limited and disposed, by the last will and testament of the said king Henry VIII. signed with his hand before his death unto the children of the lady Frances; and Elyanor, daughter[74] to Mary the French queen, younger daughter to Henry the Seventh, and of Charles Brandon duke of Suffolke; so as it is thought the queen, my sovereign, and all others, by[75] course of inheritance, be by these circumstances ex-

63 [*do I.*] 64 [*dote.*] 65 [*is extaunt of mariage.*] 66 [*of.*]
67 [*in.*] 68 [*that* om.] 69 [*your.*] 70 [*of.*] 71 [*one other.*]
72 [*unto.*] 73 [*&c.* om.] 74 [*ladies Frances and Eleanor daughters.*]
75 [*claiming by.*]

cluded, and foreclosed: so[76] as it doth well become all subjects, such as I am, so my liking is, to speak of princes, of their reigns and proceedings modestly, and with respect; yet I cannot abstain to say, that the chronicles and histories of that age, and your own printed statutes being extant, do contaminate and disgrace greatly the reign of that king in that time. But to come to our purpose, what equity and justice was that to disinherit a race of foreign princes of their possibility, and maternal right, by a municipal law or statute made in that, which some would term a corrupt time, and say, that[77] that Will ruled the rost, yea, and to exclude the right heirs from their title, without calling them to answer, or any for them? Well it may be said, that the injury of the time, and the indirect dealing is not to be allowed; but since it is done it cannot be made void, unless some circumstances material do annihilate 269
the said limitation and disposition of the crown.

Now let us examine the manner and circumstances how king Henry the Eighth was by statute enabled to dispose the crown. There is a form in two sorts prescribed him, which he may not transgress, that is to say, either by his letters patents, sealed with his great seal, or by his last will, signed with his hand: for in this extraordinary case he was tied to an ordinary and precise form; which not being observed, the letters patents, or will, cannot work the intent and effect supposed. And to disprove that the will was signed with his own hand; you know, that long before his death he never used his own sign with his own hand; and in the time of his sickness, being divers times pressed to put his hand to the will written, he refused so to do. As it seemed, God would not suffer him to proceed in[78] an act so injurious and prejudicial to the right heir of the crown, being his niece. Then his death approaching, some as well known to you as to me, caused William Clerk, sometimes servant to Thomas Henneage, to sign the supposed will with a stamp, (for otherwise signed it was never); and yet notwithstanding, some respecting more the satisfaction of their ambition, and others their private commodity, than just and
[fol. 89.] upright dealing, procured divers honest gentlemen, attending in sundry rooms about the king's person, to testify with their handwritings the contents of the said pretended will, surmised

[76] [*Sir.*] [77] [*that*, om.] [78] [*perfect*]

to be[79] signed with the said king's own hand. To prove this dissembled and forged signed testament, I do refer you to such trials as be yet left. First; the attestation of the late lord Pagett, published in the parliament in queen Marye's time, for the restitution of the duke of Norfolk. Next, I pray you, on my sovereign's behalf, that the depositions may be taken in this matter of the marquess of Winchester, lord treasurer of England; the marquess of Northampton, the earl of Pembroke, sir William Peter then one of king Henry's secretaries, sir Henry Nevill, sir Morrice Barkley, doctor Quick[80], Edmund Harman, barber, John Osbourne groom of the chamber, sir Anthony Denyce, if he be living, Terys[81], the surgeon, and such as have heard David Vincent and others speak in this case; and that their attestations may be enrolled in the chancery, and in the arches, *in perpetuam rei memoriam.*

Thirdly, I do refer you to the original surmised to be signed with the king's hand, that thereby it may most clearly[82] and evidently appear by some differences, how the same was not signed with the king's hand, but stamped as is aforesaid. And albeit it is used both as an argument and calumniation against my sovereign to say, that the said original hath been embezelled in queen Marie's time, I trust God hath and will reserve the same to be an instrument to relieve the truth, and to confound false surmises, that thereby the right may take place, notwithstanding the many exemplifications and transcripts, which being sealed with the great seal, do run abroad in England, and do carry away many men's minds, as great presumptions of great verity and validity. But, sir, you know in cases of less importance that[83] the whole realm of England, transcripts and exemplifications be not of so great force in law to[84] serve for the recovery of any thing, either real or personal: and inasmuch as my sovereign's title in this case shall be little
270 advanced, by taking exceptions to others pretended and crased[85] titles, considering her precedency[86], I will leave of to such as are to claim after the issue of Henry the VIIth, to lay in bar the poligamy of Charles Brandon the duke of Suffolk; and also the vitiated and clandestine contract, (if it may be so called,) having no witness nor[87] solemnization of Christian matrimony,

[79] [*to us.*] [80] [*Huick.*] [81] [*Ferys.*] [82] [*truly.*] [83] [*than.*]
[84] [*as to.*] [85] [*craftie.*] [86] [*precedents.*] [87] [*nor any.*]

nor any lawful matching of the earl of Hartford and the lady Catherine. Lastly; the semblable coupling of Mr. Keys, and the lady Mary sister to the lady[88] Katherine.

And now, sir, I have, to answer your desire, said somewhat briefly to the matter, which indeed is very little, where so much may[89] be said; for to speak truly, the cause speaketh for itself. I have so long forborn to deal in this matter, that I have almost forgotten many things which may be said for roboration of her right, which I can shortly reduce to my remembrance, being at Edenborough where my notes are: so that if you be not by these[90] satisfied, upon knowledge from you of any other objection, I hope[91] to satisfy you unto[92] all things may be laid against her. In the mean time I pray you so counsel the queen, your sovereign, as some effectual reparation may follow without delay, the many and sundry traverses and disfavourings committed against the queen, my sovereign: as the publishing of so many exemplifications of king Henry's supposed will, the secret embracing of John Hale's books, the books printed and[93] not avowed the last summer, one of which the queen my mistress sent by Henry Killigrewe to the queen your sovereign; the disputes and proceedings of Lincoln's-Inn, where the case was ruled against the queen my sovereign; the speeches of[94] sundry in this last session of parliament, tending all to my sovereign's derision[95], and nothing said to the contrary by any man, but the matter shut up with silence, most to her prejudice; and by so much the more as every man is gone home settled and confirmed in this error. And lastly, the queen, your sovereign's resolution to defend now by proclamations, all books and writings containing any discussion of titles, where the whole[96] realm hath engendered by these fond proceedings, and other favoured practices, a settled opinion against my sovereign's, to the advancement of my[97] lady Catherine's title. I might also speak of another[98] book lately printed and set abroad in this last session, containing many untruths and weak reasons, which Mr. Malvyle desired might be answered before the defence were made by proclamation. I trust you will so hold hand to the reformation of all these things, as the queen, my

[88] [*said ladie.*] [89] [*might.*] [90] [*this.*] [91] [*hope fully*]
[92] [*in.*] [93] [*but.*] [94] [*by.*] [95] [*disherison.*]
[96] [*titles where already the whole.*] [97] [*the.*] [98] [*one other.*]

sovereign, may have effectually[99] occasion to esteem you her friend; which doing, you shall neither offend the queen your mistress, your country, nor your[1] conscience, but be a favourer of the truth against errors, and yet deserve well of a princess, who hath a good heart to recognize any[2] good turn, when it is done her, and may hereafter have means to do you pleasure. For my particular, as I have always honoured you as my father[3], so do I still remain of the same mind, one, whom in all things not touching the state, you may direct, as your son Thomas Cecill. And so with my hearty commendations[4] to you, and my lady, both, I take my leave. From Striveling, the 4th day of January, 1566[5].

[99] [*effectual.*] [1] [*your own.*] [2] [*a.*] [3] [*friend.*] [4] [*recommendations.*] [5] [This letter is a copy, headed, 'The Secretary of Scotland to the Secretary of England.' It consists of six closely written folio pages of which the author has omitted the first page and a half.]

AN APPENDIX

CONCERNING SOME OF

THE ERRORS AND FALSEHOODS

IN

SANDERS' BOOK

OF

THE ENGLISH SCHISM.

AN APPENDIX.

THOSE who intend to write romances, or plays, do commonly take their plot from some true piece of history; in which they fasten such characters to persons and things, and mix such circumstances and secret passages, with those public transactions and changes, that are in other histories; as may more artificially raise those passions and affections in their readers' minds, which they intend to move, than could possibly be done, if the whole story were a mere fiction and contrivance: and though all men know those tender passages to flow only from the invention and fancy of the poet; yet, by I know not what charm, the greatest part that read or hear their poems are softened and sensibly touched.

Some such design Sanders seems to have had in his book, which he very wisely kept up as long as he lived: he intended to represent the reformation in the foulest shape that was possible, to defame queen Elizabeth, to stain her blood, and thereby to bring her title to the crown in question; and to magnify the authority of the see of Rome, and celebrate monastic orders, with all the praises and high characters he could devise: and therefore, after he had writ several books on these subjects, without any considerable success, they being all rather filled with foul calumnies and detracting malice, than good arguments, or strong sense, he resolved to try his skill another way; so he intended to tell a doleful tale, which should raise a detestation of heresy, an ill opinion of the queen, cast a stain on her blood, and disparage her title, and advance the honour of the papacy. A tragedy was fitter for these ends, since it left the deepest impressions on the graver and better affections of the mind; the scene must be laid in England, and king Henry the Eighth and his three children, with the changes that were in their times, seemed to afford very plentiful matter for a man of wit and fancy, who knew where he could dextrously shew his art; and had boldness enough to do it with-

out shame, or the reverence due, either to crowned heads, or to persons that were dead. Yet because he knew not how he could hold up his face to the world, after these discoveries were made, which he had reason to expect, this was concealed as long as he lived; and after he had died *for his faith* (that is, in rebellion, which I shall shew is *the faith* in his style) this work of his was published. The style is generally clean, and things are told in an easy and pleasant way; only he could not use his art so decently, as to restrain that malice which boiled in his breast, and often fermented out too palpably in his pen.

The book served many ends well, and so was generally much cried up, by men who had been long accustomed to commend any thing that was useful to them, without troubling them- 274
selves with those impertinent questions, whether they were true or false; yet Rishton[1], and others since that time, took the pencil again in their hands, and finding there were many touches wanting, which would give much life to the whole piece, have so changed it, that it was afterwards reprinted, not only with a large continuation, that was writ by a much more unskilful poet, but with so many and great additions, scattered through the whole work, whereby it seemed so changed in the vamping, that it looked new.

If any will give themselves the trouble, to compare his fable with the History that I have written, and the certain undoubted authorities I bring in confirmation of what I assert, with the slender, and (for the most part) no authorities, he brings, they will soon be able to discern where the truth lies: but because all people have not the leisure or opportunities for laying things

[1] [Edward Rishton was the person who published the original edition of Sanders' work four years after the author's death. He says in the preface that Sanders died in Ireland in 1581, and that there were a few copies of this work left in manuscript, some in Italy, some in Spain, in which country it was completed. He was prevailed on by a friend who lived at Cologne to publish the work, which he professes to have corrected, altered and added to, stating that the additions were principally in that part of the history which was subsequent to the death of the author. Rishton died in the following year. The edition published at Cologne in 1610 contains an appendix consisting of a fourth book of extracts translated into Latin from the Spanish, written by P. Ribadeneira. And the whole was reprinted at Cologne in 1628. See Wood's Athenæ Oxonienses sub an. 1581, Strype's Life of Parker, book iv. chap. 15 and 16, and Le Grand, ii. p. 6.]

so critically together, I was advised, by those whose counsels directed me in this whole work, to sum up, in an Appendix, the most considerable falsehoods and mistakes of that book, with the evidences upon which I rejected them. Therefore I have drawn out the following extraction, which consists of errors of two sorts. The one is, of those in which there is indeed no malice, yet they shew the writer had no true information of our affairs, but commits many faults, which though they leave not such foul imputations on the author, yet tend very much to disparage and discredit his work. But the others are of an higher guilt, being designed forgeries to serve partial ends; not only without any authority, but manifestly contrary to truth, and to such records as (in spite of all the care they took in Queen Mary's time by destroying them, to condemn posterity to ignorance in these matters) are yet reserved, and serve to discover the falsehood of those calumnies in which they have traded so long. I shall pursue these errors in the series in which they are delivered in Sanders' book, according to the impression at Cologne 1628, which is that I have. I first set down his errors, and then a short confutation of them, referring the reader for fuller information to the foregoing History.

1. Sanders says; "That when prince Arthur and his prin- Page 2.
"cess were bedded, king Henry the 7th ordered a grave ma-
"tron to lie in the bed, that so they might not consummate
"their marriage."

This is the groundwork of the whole fable; and should have been some way or other proved. But if we do not take so small a circumstance upon his word, we treat him rudely; and who will write histories, if they be bound to say nothing but truth! But little thought our author that there were three depositions upon record, pointblank against this; for the duchess of Norfolk, the viscount of Fitzwater and his lady, deposed they saw them bedded together, and the bed blessed after they two were put in it; besides that such an extravagant thing was never known done in any place.

2. Sanders says; "Prince Arthur was not then fifteen years Ibid.
"of age, and was sick of a lingering disease."

The plot goes on but scurvily, when the next thing that is brought to confirm it is contradicted by records. Prince Ar-

thur was born the 20th of September in the year 1486, and so was fifteen years old and two months passed at the 14th of 275
November 1501, in which he was married to the princess, and was then of a lively and good complexion, and did not begin to decay till the Shrovetide following, which was imputed to his excesses in the bed, as the witnesses depose.

Ibid. 3. He says; "Upon the motion for the marrying of his "brother Henry to the princess, it was agreed to by all, that "the thing was lawful."

It was perhaps agreed on at Rome, where money and other political arts sway their counsels; but it was not agreed to in England: for which we have no meaner authority than Warham archbishop of Canterbury, who, when examined upon oath, deposed that himself then thought the marriage was not honourable, nor well pleasing to God, and that he had thereupon opposed it much, and that the people murmured at it.

Page 3. 4. He says; "There was not one man in any nation under "heaven, or in the whole church, that spake against it."

The common style of the Roman church, calling the see of Rome the catholic church, must be applied to this, to bring off our author; otherwise I know not how to save his reputation. Therefore by all *the nations under heaven* must be understood only the divines at Rome, though when it came to be examined, they could scarce find any who would justify it: all the most famous universities, divines, and canonists, condemned it, and Warham's testimony contradicts this plainly, besides the other great authorities that were brought against it, for which see lib. 2. from pag. 91. to pag. 103.

Page 4. 5. "The king once said, *He would not marry the queen.*"

Here is a pretty essay of our author's art, who would make us think it was only in a transient discourse, that the king said he would not marry queen Catharine; but this was more maturely done, by a solemn protestation, which he read himself before the bishop of Winchester, that he would never marry her, and that he revoked his consent given under age. This was done when he came to be of age, see pag. 36. it is also confessed by Sanders himself.

Ibid. 6. He says; "The queen bore him three sons and two "daughters."

All the books of that time speak only of two sons, and one

daughter: but this is a flourish of his pen to represent her a fruitful mother. [Vid. Antisander, p. 10.]

7. He says; "The king had sometimes two, sometimes three "concubines at once." Page 5.

It does not appear he had ever any but Elizabeth Blunt; and if we judge of his life, by the letters the popes wrote to him, and many printed eulogies that were published then, he was a prince of great piety and religion all that while.

8. He says; "The lady Mary was first desired in marriage "by James the 5th of Scotland, then by Charles the 5th the "emperor; and then Francis asked her, first for the dauphin, "then for the duke of Orleans, and last of all for himself." Page 6.

276 But all this is wrong placed; for she was first contracted to the dauphin, then to the emperor, and then treated about to the king of Scotland; after that it was left to Francis' choice, whether she should be married to himself, or his second son the duke of Orleans: so little did our poet know the public transactions of that time.

9. He says; "She was in the end contracted to the dau- "phin: from whence he concludes, that all foreign princes "were satisfied with the lawfulness of the marriage." Ibid.

She was first of all contracted to the dauphin. Foreign princes were so little satisfied of the lawfulness of the marriage, that though she being heir to the crown of England, was a match of great advantage; yet their counsellors excepted to it, on that very account, that the marriage was not good. This was done in Spain, and she was rejected, as a writer who lived in that time informs us; and Sanders confesses it was done by the French ambassador.

10. He says; "Wolsey was first bishop of Lincoln, then of "Durham, after that of Winchester, and last of all archbishop "of York; after that he was made chancellor, then cardinal "and legate." Page 7.

The order of these preferments is quite reversed; for Wolsey soon after he was made bishop of Lincoln, upon cardinal Bambridge's death, was not only promoted to the see of York, but advanced to be a cardinal in the seventh year of the king's reign: and some months after that, he was made lord chancellor; and seven years after that, he got the bishopric of Durham, which six years after he exchanged for Winchester.

He had heard perhaps that he enjoyed all these preferments; but knowing nothing of our affairs beyond hearsay, he resolved to make him rise as poets order their heroes, by degrees, and therefore ranks his advancement not according to truth, but in the method he liked best himself.

Page 8. 11. He says; "Wolsey first designed the divorce, and made "Longland, that was the king's confessor, second his motion "for it."

The king not only denied this in public, saying, that he himself had first moved it to Longland in confession; and that Wolsey had opposed it all he could: but in private discourse with Grinæus, told him, he had laboured under these scruples for seven years; *septem perpetuis annis trepidatio.* Which, reckoning from the year 1531, in which Grinæus wrote this to one of his friends, will fall back to the year 1524, long before Wolsey had any provocation to tempt him to it.

Page 9. 12. He says; "In the year 1526, in which the king was "first made to doubt of his marriage, he was resolved then "whom to marry when he was once divorced."

But by his other story, Anne Boleyn was then but fifteen years old, and went to France at that age, where she stayed a considerable time before she came to the court of England.

Ibid. 13. He says; "The king spent a year in a private search, "to see what could be found, either in the scriptures, or the "pope's bull, to be made use of against his marriage; but they 277
"could find nothing."

In that time all the bishops of England, except Fisher, declared under their hands and seals, that they thought the marriage unlawful; for which see p. 38. and upon what reasons this was grounded has been clearly opened, pag. 97.

Ibid. 14. He says; "If there were any ambiguities in the pope's "first letters (meaning the bull, for dispensing with the mar-"riage) they were cleared by other letters, which Ferdinand "of Spain had afterwards procured."

These other letters (by which he means the breve) bear date the same day with the bull; and so were not procured afterwards. There were indeed violent presumptions of their being forged long after, even after the process had been almost a year in agitation. But though they helped the matter in some lesser particulars, yet in the main business, whether prince

Arthur did know his princess, they did it a great prejudice; for whereas the bull bore, that by the queen's petition her former marriage was *perhaps consummated,* the breve bears that in her petition, the marriage was said to be consummated, without any *perhaps.*

15. He says; "The king having seen these second letters, "both he and his council resolved to move no more in it." Ibid.

The process was carried on, almost a year, before the breve was heard of; and the forgery of it soon appeared, so they went on notwithstanding it.

16. He says; "The bishop of Tarbes being come from "France, to conclude the match for the lady Mary, was set on "by the king and the cardinal, to move the exception to the "lawfulness of the marriage." Page 10.

There is no reason to believe this; for that bishop, though afterwards made a cardinal, never published this; which both he ought to have done as a good catholic, and certainly would have done as a true cardinal, when he saw what followed upon it, and perceived that he was trepanned to be the first mover of a thing, which ended so fatally for the interests of Rome.

17. He says; "The bishop of Tarbes, in a speech before the "king in council, said, that not he alone, but almost all learned "men, thought the king's marriage unlawful and null; so that "he was freed from the bond of it, and that it was against the "rules of the gospel; and that all foreign nations had ever "spoken very freely of it, lamenting that the king was drawn "into it in his youth." Page 11.

It is not ordinary for ambassadors to make speeches in king's councils: but if this be true, it agrees ill with what this author delivers in his third page, that there was not a man in the whole church, nor under heaven, that spoke against it; otherwise the bishop of Tarbes was both an impudent and a foolish man.

18. He says; "Upon the pope's captivity, Wolsey was sent "over to France with three hundred thousand crowns to pro- "cure the pope's liberty." Page 13. [Hall, p. 728. Holinshed, p. 897. Stow, p 531.]

78 Hall, Holinshed, and Stow, say, he carried over two hundred and forty thousand pounds sterling, which is more than thrice that sum.

19. He says; "Two colleagues were sent in this embassy "with the cardinal." Ibid.

His greatness was above that, and none are mentioned in the Records.

Ibid. 20. He says; "Orders followed him to Calais, not to move "any thing about the king's marriage with the French king's "sister, the king having then resolved to marry Anne Boleyn."

This agrees ill with what he said pag. 9. that a year before the king was resolved whom to marry.

Ibid. 21. He says; "King Henry, that he might have freer ac- "cess to sir Thomas Boleyn's lady, sent him to France; where, "after he had stayed two years, his lady was with child of "Anne Boleyn by the king."

This story was already confuted, see pag. 41, 42. And in it there are more than one or two lies.

1. Sir Thomas Boleyn went not ambassador to France till the seventh year of the king's reign: and if two years after that Anne was born, which was the ninth of his reign, she must then have been but ten years old at this time.

2. Though he had sent him upon his first coming to the crown, this could not be true; for two years after, admit her to be born, that is anno 1511, then a year before this, which was anno 1526, she was fifteen years old; in which age, Sanders says, she was corrupted in her father's house, and sent over to France, where she stayed long. But all this is false: for,

3. She was born two years before the king came to the crown, in the year 1507, and if her father was sent to France two years before, it was in the year 1505.

4. The king being then prince was but fourteen years old, for he was born the 28th of June, in the year 1491; in which age there is no reason to think he was so forward as to be corrupting other men's wives, for they will not allow his brother, when almost two years elder, to have known his own wife.

As for the other pieces of this story, that sir Thomas Boleyn did sue his lady in the spiritual court; that upon the king's sending him word that she was with child by him, he passed it over; that the king had also known her sister, and that she had owned it to the queen, that at the fifteenth year of Anne's age, she had prostituted herself both to her father's butler, and chaplain; that then she was sent to France, where she was at first for some time concealed, then brought to court, where she was so notoriously lewd, that she was called an *hackney*; that

she afterwards was kept by the French king; that when she came over into England, sir Thomas Wiat was admitted to base privacies with her, and offered to the king and his council, that he himself should with his own eyes see it: and, in fine, that she was ugly, misshaped, and monstrous, are such an heap of impudent lies, that none but a fool, as well as a knave, would
279 venture on such a recital. And for all this, he cites no other authority but Rastall's Life of Sir Thomas More, a book that was seen by none but himself; and he gives no other evidence that there was any such book, but his own authority. Nor is it likely that Rastall ever writ More's life, since he did not set it out with his works which he published in one volume, anno 1556. It is true, More's son-in-law, Roper, writ his life which is since printed, but there is no such story in it. The whole is such a piece of lying, as if he who forged it had resolved to outdo all who had ever gone before him: for can it be so much as imagined, that a king could pursue a design for seven years together, of marrying a woman of so scandalous a life, and so disagreeable a person; and that he who was always in the other extreme of jealousy, did never try out these reports, and would not so much as see what Wiat informed? Nor were these things published in the libels that were printed at that time, either in the emperor's court, or at Rome. All which shew, that this was a desperate contrivance of malicious traitors against their sovereign queen Elizabeth, to defame and disgrace her. And this I take to be the true reason why none made any full answer to this book all her time. It was not thought for the queen's honour to let such stuff be so much considered as to merit an answer. So that the 13, 14, 15, 16, 17, and 18 pages are one continued lie.

22. He says; "Sir Thomas Boleyn, hearing the king in- Page 16.
"tended to marry his supposed daughter, came over in all
"haste from France, to put him in mind that she was his own
"child; and that the king bade him hold his peace for a fool,
"for *an hundred* had lain with his wife as well as he, but
"whosesoever daughter she was, she should be his wife: and
"upon that sir Thomas instructed his daughter how she should
"hold the king in her toils."

Sir Thomas must have thought the king had an ill memory, if he had forgot such a story: but the one part of this makes

him afraid that the king should marry his daughter, and the other part makes him afraid they should miss their hopes in it: not to mention how little likely it is, that a king of such high vanity would have done that which the privatest person has an aversion to, I mean, the marrying the daughter of one whom they know to be a common prostitute.

Page 19. 23. He says; "Wolsey, before his return from France, sent "Gambara to the pope, desiring him to name himself vicar of "the papacy, during his captivity."

This was not done till almost a year after this: and the motion was sent by Staphileus dean of the rota, for which see pag. 50.

Page 20. 24. He says; "None but ill men and ignorant persons wrote "against the marriage, but all learned and good men wrote "for it."

The whole doctors of the church, in all ages, were against it; and no doctor, ancienter than Cajetan, could ever be found to have writ for it.

Ibid. 25. He says; "That though great endeavours were used to "persuade sir Thomas More of the unlawfulness of the mar-"riage, all was in vain."

Is it probable that the king would have made him lord chan- 280
cellor, when he was so earnest in this business, if he had not known that he would have gone along with him in it? By one of his letters to Cromwell out of the Tower, it appears, that he approved the divorce, and had great hopes of success in it, as long as it was prosecuted at Rome, and founded on the defects in the bull. And in the twenty-second year of the king's reign, when the opinions of the universities, and the books of learned men were brought to England against the marriage, he carried them down to the house of commons, and made read them there; after which he desired they would report in their country what they had heard and seen; and then all men would openly perceive that the king had not attempted this matter of his will and pleasure, but only for the discharge of his conscience. More was a man of greater integrity than to have said this, if he had thought the marriage good; so that he has either afterwards changed his mind, or did at this time dissemble too artificially with the king.

Page 22. 26. After a long flourish about the king's secret fears and

apprehensions, and the perplexities the cardinal was in, which must pass for a piece of *his wit*, that is to say, *lying*, for he knew none of their thoughts, he says; "That Gardiner and "sir Francis Brian were sent to the pope together, Gardiner "being then secretary of state."

In this there are only three gross mistakes. First, Gardiner was not sent with the first message to the pope; secretary Knight carried it.

2. Sir Francis Brian went never to Rome with Gardiner. It is true, a year after the commencing the suit, sir Francis Brian was sent to Rome, and about a month after him Gardiner was also sent; so though they were both together at Rome, yet they were not sent thither together.

3. Gardiner was not secretary of state, but was Wolsey's secretary when he went first to Rome, and was made a privy-counsellor when he was sent thither the second time; and was not secretary of state till some months after his return from his journey the last time.

27. He says; "They made the pope believe that the queen Page 23.
"would willingly retire into a monastery."

This was on the contrary a contrivance of the pope's, who thought it the easiest way to bring the matter to a good issue; but in England they had no hopes of it, and so always diverted the motion when it was proposed by the pope.

28. He says; "The pope said he would consult with some Ibid.
"cardinals and divines, and do all that he could lawfully do to
"give the king satisfaction."

Upon the first motion of it, the pope frankly granted the king's desire; and gave a bull with a commission upon it: and only consulted some cardinals about the methods of doing it; and did assure the king, that he would not only do every thing that could be granted in law or justice, but whatsoever he could grant out *of the fulness of his power*. It is true afterwards, when the pope changed his measures, and resolved to agree with the emperor, he pretended he understood not these things himself, but would needs turn it over upon the cardinals and divines.

281 29. He says; "All the cardinals were of a mind that the Page 24.
"marriage was good."

Cardinal *Sanctorum Quatuor*, by the force of that mighty argument of four thousand crowns, changed his mind. All the other cardinals were forward in granting the king's desires, for which he wrote them a letter of thanks.

Page 26. 30. He says; "The pope granted the commission to the two "legates, not doubting but it was true that had been told him "of the queen's readiness to go into a monastery."

The pope knew she would not yield to any such thing; but when he granted that commission, he sent with Campeggio a decretal bull, annulling the marriage; and sent afterwards a promise never to avocate the process, but to confirm what sentence the legates should give; though soon after he broke his promise most signally. And since he had often dispensed with others for breaking their faith, he might think that it was hard to deny him the same privilege for himself.

Ibid. 31. He says; "The pope, understanding that the queen did "not consent to the propositions that were made, and that he "had been abused, sent after Campeggio, when he was on his "journey, that he should not proceed to a sentence without a "new order."

The pope sent Campana to England after Campeggio, to assure the king he would do every thing for him that he could do *out of the fulness of his power:* and ordered the same person to charge cardinal Campeggio to burn the decretal bull, which he had sent by him: in all which the pope, as appears by the original letters, was only governed by politic maxims, and considered nothing but the dangers himself was like to fall in; though Sanders would persuade us, he was ready to run the hazard of all these.

Page 30. 32. He says; "The king by his letters to the pope, did, at "the same time that he was moving scruples about his own "marriage, transact about a dispensation for a marriage be-"twixt his own natural son the duke of Richmond, and his "daughter the lady Mary."

Though the whole despatches at that time, both to and from Rome, be most happily preserved, there is not the least mention of any such design: and can any body think, that if any such motion had been made, the pope would not have taken great advantages from it, and that these letters would

not have been afterwards published? But this Sanders thought was a pretty embellishment of his fable; and of a piece with this is his next.

33. He says; "The king did under his own hand confess, "he had known Anne Boleyn's sister Mary, and desired the pope "would dispense with his marrying Anne, notwithstanding that." Page 30.

The falsehood of this appears from the recital of it: and how came it, that these letters were not published? Nor is there any mention of this in all the despatches I have seen. And it is not possible, that in so many conferences which the English
282 ambassadors had with the pope, these two things should never have been discoursed of. And can it be thought credible, that at the same time when the king pretended such scruples and troubles of conscience, he could be guilty of so much folly and impudence, as to put himself thus in the pope's mercy, by two such demands? This was a forgery of cardinal Pole's, which Sanders greedily catched to dress up the scene. [De Unit. Eccles. iii. p. 54.]

34. From page 34. to 42. there is a trifling account given of the reasons brought against the marriage, which Sanders answers manfully, and fights courageously against the man of straw he had set up. But if that be compared with what has been opened in the history, it will appear how lame and defective his account is. Page 34.

35. He says; "Clerk bishop of Bath and Wells, Tunstall "bishop of London, and West bishop of Ely, writ for the "lawfulness of the king's marriage." Page 42.

All the bishops, except Fisher, had a year before this given it under their hands and seals, that the king's marriage was unlawful: and in all the memorials of that time, Fisher is the only bishop I find mentioned to have writ for it. Tunstall was soon after translated to Durham, which none that have considered that king's temper, will think could have been done, if he had interposed in so tender a point, against what the king so vehemently desired.

36. He says; "That Abel, Powell, Fetherston, and Ridley, "also writ for the marriage." Ibid.

This is not likely of the second and third, for they being afterwards attainted of treason, no such books were objected to them; but the crime charged on them was only that they said, the king's marriage with queen Catharine was good.

Page 43. 37. He says; "All things appeared clear in the trial before "the legates, in behalf of the marriage, so that they could "give no sentence against such full evidence as was brought "for it."

This is said without any regard to truth; for all the matter of fact that had been alleged was clearly proved for the contrary side. It was proved that prince Arthur married the queen: violent presumptions appeared of his consummating the marriage: it was also proved, that the king was under age when the bull was obtained, and that the petitions given in his name, upon which the bull was granted, were false: that the king had not desired it, but when he came of age he had protested against it: and that there was no hazard of a war between Spain and England, the preventing which, was the chief reason set down in the bull that permitted it. So that all that had been informed at Rome, as to matter of fact, was fully proved before the legates, by clear instruments, and many and noble witnesses.

Ibid. 38. He puts a long bold speech in Campeggio's mouth, who was far from assuming such freedom; but lived licentiously in England, in all manner of disorders, of which both he and his bastard son were guilty. And by dissembling, and other arts, persuaded the king to delay the process from day to day, 283 giving him full assurances, that in conclusion he should obtain what he desired: and by such means he gained time, and drew out the trial, till the pope had ended his treaty with the emperor, and then he served him an Italian trick, by adjourning the court.

Page 48. 39. He says; "Some doctors, being corrupted with the "king's money, declared for him; but those were none of the "most learned."

The king ordered those he sent, not to give or promise any thing to any person, till they had delivered their opinion freely: upon which some of them wrote to him, that they would answer upon their heads, that they had followed his orders in that particular.

Ibid. 40. He says; "These determinations were published in the "names of the universities, to deceive the world by a false "representation of so great authorities."

Were the public seals of the universities put to their de-

terminations, after a long debate, all being required to deliver their consciences upon oath, and done with the unanimous consent of the whole faculty in some places, false representations? This was done in Italy, in Padua, Bologna, Ferrara, and Milan, under the pope and the emperor's eye, and within their dominions.

41. He says; "Endeavours were used to corrupt the uni- Page 49.
"versity of Cologne, and some others in Germany, for which
"great sums were offered, and that the king was at a vast
"expense in it."

Croke's accounts shew that his expense in Italy was very inconsiderable. And who can imagine that when Paris, Padua, and Bologna, had declared for the king, he would be much concerned for Cologne, or any other university in Germany? Those who will believe Sanders, and such authors as he quotes, Cochleus, and an unknown bishop of Brasile, may if they will.

42. He says; "In Oxford the king not being able to obtain Page 51.
"a satisfactory answer in that matter, eight students of the
"university broke into the place where the seal was laid, and
"put it to an answer, which passed for the determination of
"the university."

The lord Herbert says, there was an original instrument passed, which he saw: by which the university did appoint a committee of thirty-three doctors and bachelors of divinity, to examine the questions proposed by the king, and to set the seal of the university to any answer that they should agree on: and these did afterwards give a resolution against the lawfulness of the marriage.

43. "He tells a long story of the king's endeavours to gain Page 52.
"Reginald Pole, and that he came over to England; and
"being much pressed by his kindred to comply with the king,
"he went to him, fully purposed to have done it: but could
"not speak a word to him, till he resolved to talk to him
"in another style; and then he found his tongue, and spake
"very freely to the king, who put his hands sometimes to his
"poniard, intending to have killed him: but was overcome
284 "with the simplicity and humility of his discourse: and so the
"king continued his pension to him, and gave him leave to go
"back to Padua."

This is another pretty adventure of one of the *heroes* of

the romance, but has this misfortune in it, that it is all without any proof: for as none of the books of that time ever mention it, so neither did Pole himself pretend to have carried so, in his book, though written with the most provoking insolence that was possible. In it he mentions his going over to England, but not one word of any such discourse with the king. And king Henry was not a man of such a temper, as to permit one of Pole's quality to go out of England, and live among his enemies, and continue his pensions to him, if he had to his face opposed him in a matter he laid so much to heart.

Page 53. 44. He says; "Fisher of Rochester, and Holman bishop of "Bristol, wrote for the marriage."

There was no bishopric, nor bishop of Bristol at that time, nor thirteen years after.

Ibid. 45. "Many are reckoned up who wrote for the marriage in "all nations."

These are neither to be compared in number nor authority to those who wrote against it; an hundred books were shewed in parliament, written by divines, and lawyers beyond sea, besides the determinations of twelve of the most celebrated universities in Europe. The emperor did indeed give so great rewards, and such good benefices, to those who wrote against the king, that it is a wonder there were not more writers of his side.

Page 56. 46. He says; "That upon Warham archbishop of Canter- "bury's death, the earl of Wiltshire told the king that he "had a chaplain, who was at his house, that would certainly "serve the king in the matter of his divorce; upon which "Cranmer was promoted."

Cranmer was no stranger to the king at this time: he was first recommended by the king to the earl of Wiltshire, to be kept in his house; but was in Germany when Warham died, and made no haste over, but delayed his journey some months. It is true, he was of the mind that the king ought to be divorced; but this was not out of servile compliance: for when the king pressed him in other things that were against his conscience, he expressed all the courage and constancy of mind which became so great a prelate.

Ibid. 47. He says; "That Cranmer, being to swear the oath "of obedience to the pope, before he was consecrated, did "protest to a public notary, that he took it against his will;

" and that he had no mind to keep his faith to the pope, in " prejudice to the king's authority."

He did not protest that he did it unwillingly, nor was it only to a notary, but twice at the high altar he repeated the protestation that he made; which was to this effect, that he intended not thereby to oblige himself to any thing, contrary to the law of God, the king's prerogative, or the laws of the land: nor to be restrained from speaking, advising, or consenting to any thing that should concern the reformation of the Christian faith, the government of the church of England, and the prerogative of the crown and kingdom.

48. He says; " Cranmer did in all things so comply with Page 57.
" the king's lusts, that the king was wont to say he was the
" only man that had never contradicted him in any thing he
" had a mind to."

Cranmer was both a good subject, and a modest and discreet man, and so would obey and submit as far as he might without sin: yet when his conscience charged him to appear against any thing that the king pressed him to, as in the matter of the six articles, he did it with much resolution and boldness.

49. He says; " The king going over to Calais, carried Anne Page 58.
" Boleyn secretly with him."

He carried her over in great state, having made her marchioness of Pembroke; and in the public interview between him and Francis she appeared with all possible splendour.

50. He says; " After the king's return from France, he Page 59.
" brought the action of premunire against all the clergy."

This is an error of two years; for so long before this voyage to France was that action begun: and the clergy about eighteen months before had made their submission; and obtained their pardon in March 1531, which appears by the printed statutes, and the king went over to France in September 1532; so that it is clear Sanders never looked for any verification of what he wrote.

51. He says; " The king, by an unheard-of tyranny, and a Ibid.
" new calumny, brought this charge against the clergy."

These laws, upon which the charge was founded, had been oft renewed: they were first made under Edward the First, by reason of the papal encroachments that gave the rise to them; they were oft confirmed by Edward the Third, Richard the

Second, Henry the Fourth, and Henry the Fifth; with the concurrence of their parliaments, so the charge was neither new nor tyrannical.

Page 59. 52. He says; "The clergy submitted to the king, being "betrayed by their metropolitans, Cranmer and Lee."

The submission was made two years before Cranmer was archbishop, in March 1531, and Cranmer was consecrated in March 1533, but at that time Warham sat in Canterbury; as for Lee, he opposed it for some time.

Ibid. 53. He says; "The whole clergy petitioned the king to "forgive their crime, according to that supreme power which "he had over all the clergy and laity, within his kingdom; "from whence the king's counsellors took occasion afterwards "to call him *supreme head.*"

The clergy did, in the title of their submission, call the king in formal terms, *supreme head of the church and clergy of England as far as by the law of Christ is lawful;* to which Fisher, with the rest of the convocation, subscribed. And all this was done when More was chancellor.

Page 62. 54. He says; "When the king went to marry Anne Boleyn, 286 "he persuaded Rowland Lee, made soon after bishop of "Coventry and Lichfield, to officiate in it, assuring him he had "obtained a bull for it from Rome, which was then lying in his "cabinet. Upon which Lee, giving credit to what he had, did "marry them."

This is another trial of Sanders' wit to excuse Lee, who though at this time he complied absolutely with the king, yet did afterwards turn over to the popish party; therefore to make him look a little clean, this story must be forged. But at that time all the world saw that the pope and the emperor were so linked together, that Lee could not but know that no such thing was possible. And he was so obsequious to the king, that such arts were needless to persuade him to any thing the king had a mind to.

55. For five pages he runs out in repetition of all those foul lies concerning Anne Boleyn, by which he designed both to disgrace the reformers, who were supported by her, and to defame her daughter queen Elizabeth, which have been before

Page 67. confuted: after that he says, "Queen Catharine, with three "maids and a small family, retired into the country."

She had both the respect of a princess dowager, and all the jointure contracted to her by prince Arthur; so she could not be driven to that straitness: but this must go for an ornament in the fable.

56. He says; "It was concluded, that Cranmer might be "more free to pass sentence, that there should be an oath "imposed on the clergy, for paying the same obedience to the "king, that they had paid the pope:" upon which he tells a long formal story, for two pages, "that it was resolved to "draw Fisher into it, to swear obedience to the king in all "ecclesiastical causes, with that exception, *as far as is lawful, "according to the word of God;* which he did, and persuaded "others to do it; and upon this Cranmer, taking the new "oath, went and pronounced judgment for divorce." Page 71.

There is not one tittle of this true, for there was no oath sworn about the king's supremacy at this time. The story of Fisher is that which was done by the convocation two years before Cranmer's preferment, nor was there any oath taken then, or at this time. It is true, two years after this, Gardiner, Stokesley, and many other bishops, did of their own accord take such an oath; but there was no law for it till the twenty-eighth year of the king's reign.

57. He says; "One Richard Risey (or Rouse, according "to the Records) was hired by Anne Boleyn to poison "Fisher." Page 72.

Rouse was boiled alive for poisoning the bishop's family, but did not discover any that set him on it: which none can think but he would have done, if the queen had hired him to it, and had then deserted him, to perish in so horrid a manner.

58. He says; "Cranmer, being by authority of parliament "freed from his oath to the pope, and bound by a new one to "the king, went now confidently to pronounce sentence." Page 73.

287 The parliament did not put down the pope's authority for eight months after this, and appointed no new oath till three years after; for Cranmer sat in judgment as primate of England, and legate of the apostolic see.

59. He says; "Cranmer carried some bishops with him, and "having cited the queen, without hearing her, he gave sentence "against the marriage." Ibid.

Gardiner, Stokesley, Clerk, and Longland, the bishops of

Winchester, London, Bath, and Lincoln, went with him. He could not hear the queen, when she would not appear; but he examined all the instruments and evidences that had been brought in the whole process.

Page 75. 60. He says; "The pope would not proceed against the "king, till he met with the French king at Marseilles: but "that the English ambassadors did there carry so insolently, "that Francis was ashamed of their behaviour; and desired "the pope to proceed against the king as he thought fit, "and that he should never defend him more, but should be "against him."

Here the romance goes on two grossly, for the pope and the French king agreed at Marseilles to bring this matter to an issue. The pope declared he thought the king's cause was just and right; and promised, if the king would send a full submission to Rome, he would give sentence in his favour. Upon which the French king sent over the bishop of Paris, who prevailed with the king to do it; though this afterwards came to nothing. It is true Bonner, who was always officious and forward when there was any thing to be got by it, being sent to Marseilles by the king to deliver an appeal in the king's name to the pope, to the next general council; and perhaps knowing nothing of the private transactions between the pope and the French king, it being a secret of too great importance to be communicated to such a hot-brained man, did deliver his message to the pope in such provoking language, that the pope talked of throwing him into a boiling caldron; and he was fain to fly for it.

Page 76. 61. He says; "The pope returning to Italy, after he had "again most carefully reviewed the whole cause, gave sen-"tence."

This was so precipitated, that they would not stay six days beyond the time which they prefixed, for the return of the messenger that was sent to England; but despatched that, which by the forms of their court should have been done in three consistories, all in one day.

Page 78. 62. He says; "Upon this sentence, the king, being enraged, "did command queen Catharine to be only called princess, and "declared her daughter the lady Mary a bastard."

Both these were done five months before the pope's sentence,

and soon after the sentence was pronounced by Cranmer. And these were the natural consequences of it; for the marriage being annulled, neither could she be longer a queen, nor her daughter princess any more.

63. He says; "The king imprisoned Father Forrest a Page 78.
"Franciscan observant, a most holy and learned man, for
288 "contradicting Latimer, when he was inveighing against the
"pope's authority."

Concerning this Forrest, I have seen an original letter of one List, a friar of the same house, a year after this, that says, Forrest was a great scandal to their house, and was very ignorant; and that though he had been much against the king in his marriage, yet he had then insinuated himself into his favour, of which many of the house, who were for the king's cause, had great apprehensions. In the same letter he writes, how cruel they were against any of their brethren, who they thought discovered any thing that was done among them; and that one Rainscroft, a brother whom they suspected to have informed what passed among them, was cruelly used, and kept in prison till he died; which he chiefly imputes to Forrest. This friar swore the king's supremacy, and yet at the same time was persuading others not to do it; and, being questioned upon it, said, he took the oath only with his outward, but not with his inward man; and for that, and his denying the gospel, he was burnt as an obstinate heretic. [Cotton MSS. Cleop. E. iv. fol. 28 sqq. printed in Ellis, 2. ii. 245 sqq.]

64. He says; Abel, Powell, and Fetherston, were put in Page 79.
"prison because they consulted with the Maid of Kent."

This is only charged upon the former of these, but the two latter are not accused of any such thing.

65. He says; "Elizabeth being born the eighth of Sep- Ibid.
"tember, but five months after the king had publicly married
"her mother, could not be the lawful issue of that marriage."

This is a malicious lie, for himself confessed that the king was married to her mother the fourteenth of November, the former year; between which and the eighth of September there were ten months: nor was the king ever after that married publicly to the queen. For what he calls a public marriage was only the shewing her openly as queen. But the design of this lie is so visible, that it needs not be opened.

66. He says; "The king's daughter Mary, who was then Ibid.

" present, could never be induced to think she was the king's " child."

In the former page he said, Mary was sent to her mother; and now, forgetting himself too soon, he says, she was present when Elizabeth was born. What Mary's thoughts were, none can tell, but she publicly acknowledged her to be her sister, though she did not use her as one.

Page 80. 67. He says; Elizabeth Barton, who was famed for her " sanctity, and six with her, who thought she was inspired by " the Holy Ghost, were accused in parliament."

Those six knew that she was not inspired; and that all that was given out about her was a contrivance of theirs, who had instructed her to play such tricks: as was proved by their own confessions and other evidences.

Ibid. 68. He says; " They all died very constantly: and on the " margin calls them *seven martyrs*."

The nun herself acknowledged the imposture at her death, and laid the heaviest weight of it on the priests that suffered with her, who had taught her the cheat: so that they died 289 both for treason and imposture. And this being Sanders' *faith*, as appeared by *his works*, they were indeed martyrs for it.

Ibid. 69. He says; " More and Fisher having examined her, " could see no ground to think she was acted by a fanatical " spirit, as it was given out."

It was not given out that she was acted by a fanatical spirit, for that had been more honest; but her spirit was cheating and knavery. More cleared himself, and looked on her as a weak woman, and commonly called her the *silly maid;* but Fisher did disown her, when the cheat was discovered, though he had given her too much encouragement before.

Page 81. 70. He says; " The thing she prophesied came to pass; " which was, that Mary should be queen of England."

The thing for which she and her complices were attainted of treason was, that she said, *If the king married Anne Boleyn, he should not be a king a month longer, and not an hour longer in the sight of God, and should die a villain's death.* But it did not serve Sanders' ends to tell this.

Ibid. 71. He says: " The day she suffered, many of the nobility " came and swore to the succession of the issue of the king's

" marriage with queen Anne, before the archbishop of Canter-
" bury, the lord chancellor, and Cromwell."

Both houses of parliament did in the house of lords take that oath, on the day of their prorogation, which was the thirtieth of March, as appears by the second act of the next session: and the nun, with her complices, did not suffer till the twenty-first of April after.

72. He says; "The Franciscans of the Observance, chiefly Page 81.
" two fathers in London, Elston and Peto, did, both in their
" sermons and public disputes, justify the king's marriage with
" queen Catharine."

Elston and Peto were not of London, but of Greenwich. They compared the king to Ahab, and said, in the pulpit, to his face, *The dogs should lick his blood;* with many other such virulent expressions. But to rail at a prince with the most spiteful reproaches that could be was a part of Sanders' *faith:* and so no wonder those pass for confessors, when Elizabeth Barton and her complices are reckoned *martyrs.*

73. He says; "Tunstall bishop of Durham was ordered by Page 82.
" the king's messengers not to come to the session of parliament
" 26. regni, in which the king's supremacy was established."

In this he is safer than in some other stories; for the journals of that session are lost, so the falsehood of this cannot be demonstrated: yet it is not at all likely, that he who justified all that was done in the former session, in which the pope's power was put down, the nomination of bishops annexed to the crown, a reformation of ecclesiastical laws appointed to be made, in defence of all which he wrote afterwards, was now so scrupu-
290 lous as to be ordered to stay at home. But Tunstall suffering imprisonment in Edward the Sixth's time, it was fit to use some art to shew that he was unwillingly brought to comply with the king.

74. He to shew God's judgments on the chief instruments Ibid.
that served the king, says, "That the duke of Norfolk was by
" the king condemned to perpetual imprisonment."

This betrays palpable ignorance, since he was attainted of high treason the very day before the king's death, and should have suffered the next day, if the king's death had not prevented it. But since he will descant on the providence of God,

he should rather have concluded, that his escaping so narrowly was a sign of God's great care of him.

Page 82. 75. In the session of parliament that met the third of November, (as he describes it, which was the twenty-sixth year of the king's reign,) he says, "Mary the king's daughter "was illegitimated, and all her honours were transferred on "Elizabeth, and the pope's power put down."

This shews he never looked on our public statutes; otherwise he had seen that these acts passed in the former session.

Page 84. 76. He says; "When the king sent his ambassadors to the "French court, Francis would not so much as hear them give "a justification of the king's proceedings."

How true this can be, the world may judge, since these two kings continued in a firm alliance eight years after this. And Francis did often treat, both with him and the princes of Germany, about these things, and was inclined to do almost all that he did.

Ibid. 77. He says; "The Lutherans did so abominate the grounds "of his separation from Rome, that they could never be in-"duced to approve it;" for which he cites Cochleus, an author of his own kidney.

They did condemn the king's first marriage as unlawful, and thought the pope's dispensation had no force: and so far they approved it. But they had this singular opinion, that he should have continued unmarried as long as queen Catharine lived. Yet in that they were so modest, that they only desired to be excused, as to the second marriage: which, considering that queen Anne favoured their doctrine, and that, by an absolute compliance with what the king had done, they might have secured his protection to themselves, whom otherwise they provoked highly, is an evidence of a strict adhering to what their consciences dictated, that cannot be sufficiently commended.

Page 85. 78. He says; "The king made many write apologies for "what he did; which some did willingly, being tainted with "heresy, others unwillingly, and for fear, as Gardiner and "Tunstall."

In this he shews how little judgment he had of the nature of things, when he thinks to excuse their writing for the king, as

extorted by force: to have done it through error and mistake was much the softer excuse; but to make them men of such prostituted consciences, as not only to subscribe and swear, but to write with learning and zeal, and yet against their consciences, represents them guilty of inexpressible baseness. Indeed Gardiner was a man like enough to write any thing
291 that might please the king; but Tunstall was a man of greater probity, than to have done so unworthy a thing upon any account whatsoever. But since he mentioned writers, he should have named Longland bishop of Lincoln, Stokesley bishop of London, and above all Bonner, who did officiously thrust himself into the debate, by writing a preface to Gardiner's book, with the greatest vehemence that could be. But the blood he shed afterwards did so endear him to this author, that all past faults were forgiven, and to be clean forgotten.

79. He says; "Five martyrs suffered because they would "not swear the king's supremacy, according to the law that "was then passed." Page 86.

There was no such law made at that time, nor could any such oath be then put to them. The only oath which the parliament had enacted was the oath of the succession, and the refusing it was only misprision of treason, and was not punishable by death. But it was for denying the king's supremacy, and for writing and speaking both against it and his marriage, that they suffered according to law.

80. He says; "Cromwell threatened the jury, in the king's "name, with certain death, if they did not bring them in "guilty." Page 87.

Every body that knows the law of England will soon conclude this to be a lie: for no such threatenings were ever made in trials in this nation: nor was there any need at this time: for the law was so plain, and their facts so clearly proved, that the jury could not refuse to bring them in guilty.

81. He says; "The three Carthusians that suffered were "made stand upright, and in one place, fourteen days to-"gether, with irons about their necks, arms, and legs, before "they died;" and then with great pomp he describes their death in all its parts, as if it had been a new-devised cruelty, it being the death which the law appoints for traitors. He P. 88, 89.

tells, that Cromwell lamented that others of them had died in their cells, and so prevented his cruelty. He also adds a long story of the severities against the Franciscans.

All this he drew from his learning in the legend. The English nation knows none of these cruelties, in which the Spanish inquisitors are very expert. I find, by some original letters, that the Carthusians, who were shut up in their cells, lived about a year after this; so if Cromwell had designed to take away their lives, he wanted not opportunities; but it appears from what More writ in his imprisonment, that Cromwell was not a cruel man, but, on the contrary, merciful and gentle. And for the Franciscans, though they had offended the king highly, two of them railing spitefully at him to his face, in his chapel at Greenwich: yet that was passed over with a reproof, from which it appears that he was not easily provoked against them. So all that relation which he gives, being without any authority, must pass for a part of the poem.

Page 91. 82. He says; "The bishop of Rochester was condemned, "because he would not acknowledge the king's supremacy in "ecclesiastical matters."

He was never pressed to acknowledge it, but was condemned 292
for denying it, and speaking against it: for had he kept his opinion to himself, he could not have been questioned. But the denying the king's titles, of which his being supreme head was one, was by the law treason; so he was tried for speaking against it, and not for his not acknowledging it.

Page 93. 83. "He runs out in an high commendation of Fisher, and "among other things, mentions his episcopal and apostolical "charity."

His charity was burning indeed. He was a merciless persecutor of heretics, so that the rigour of the law, under which he fell, was the same measure that he had measured out to others.

Page 100. 84. Sanders will let the world see how carefully he had read the legend, and how skilfully he could write after that copy, in a pretty fabulous story concerning More's death; to whom I will deny none of the praises due to his memory, for his great learning, and singular probity: nor had he any blemish but what flowed from the leaven of that cruel religion, which

carried him to great severities against those that preached for a reformation. His daughter Roper[2] was a woman of great virtue, and worthy of such a father, who needed none of Sanders' art to represent her well to the world. His story is; "That the morning her father died, she went about distribut- "ing all the money she had, in alms to the poor; and at last "was at her prayers in a church, when of a sudden she "remembered that she had forgot to provide a winding-sheet "for his body; but having no more money left, and not being "well known in that place, she apprehended they would not "give her credit: yet she went to a linen-draper's shop, and "calling for so much cloth, she put her hand in her pocket, "knowing she had nothing in it, but intending to make an "excuse, and try if they would trust her. But by a miracle "she found the price of the sheet, and neither more nor less "was conveyed into her pocket."

This is such a lively essay of the man's spirit that invented it, that I leave it without any further commentary.

85. He says; "Lee, that was not in orders, was sent to visit Page 105. "the monasteries, who solicited the chastity of the nuns."

He does not mention Layton and London, the two chief visitors, for Layton brought in Lee: but they were of the popish party, and Lee was Cranmer's friend, therefore all must be laid on him. He was in orders, and soon after was made dean of York. I have seen complaints of Dr. London's soliciting the nuns, yet I do not find Lee complained of. But since London was a persecutor of heretics, such a small kindness, as the concealing his name, and the turning the blame over on Lee, was not to be stood on among friends, especially by a man of Sanders' ingenuity.

86. For the correspondence between queen Catharine and Page 107. father Forrest, and the letters that passed[3], since Sanders tells us not a word how he came by them, we are to look on them as a piece of the romance.

293 87. He says; "Anne Boleyn bore a monstrous and a mis- Page 114. "shaped lump of flesh, when the time of her bearing another "child came."

She bore a dead child before the time, says Hall; but there [Hall, p. 818.]

[2] [Margaret, wife of William Roper of Tenham and Eltham in Kent.]

[3] [Printed in Tho. Bourchier's *Hist. Ecclesiast.* Baker. See Wood sub an. 1538.]

was no great reproach in that, unless made up by Sanders' wit.

Page 115. 88. He lays out the business of Anne Boleyn with so much spite and malice, that we may easily see against whom he chiefly designed this part of his work. He says; "She was "found guilty of adultery and incest."

There was no evidence against her, but only a hear-say from the lady Wingfield: we neither know the credit of that lady, nor of the person who related it in her name. It is true Mark Smeaton did confess his adultery with the queen, but it was generally thought he was drawn into it by some promises that were made to him, and so cheated out of his life; but for the queen, and the other four, they attested their innocency to the last: nor would any of those unfortunate persons redeem their lives at so ignominious a rate, as to charge the queen, whom they declared they knew to be innocent; so that all the evidence against her was an hear-say of a woman that was dead, the confession of a poor musician, and some idle words herself spake of the discourses that had passed between her and some of those gentlemen.

Page 116. 89. He says; "Foreigners did generally rejoice at her "fall:" and to prove this, he cites Cochleus' words, that only shew that author's ill opinion of her.

The Germans had so great a value of her, that all their correspondence with the king fell to the ground with her: but he may well cite Cochleus, an author of the same honesty with himself, from whose writings we may with the like security make a judgment of foreign matters, as we may upon Sanders' testimony believe the account he gives of English affairs.

Page 117. 90. He tells us, among other things done by the king, and picks it out as the only instance he mentions of the king's injunctions, "That the people should be taught in churches "the Lord's Prayer, the Ave, the Creed, and the Ten Com- "mandments, in English."

It seems this author thought the giving these elements of religion to the people in the vulgar tongue a very heinous crime, when this is singled out from all the rest.

Ibid. 91. "That being done, he says, there was next a book pub- "lished, called *Articles*, appointed by the king's majesty, "which were the six articles."

This shews that he either had no information of English affairs, or was sleeping when he wrote this: for the six articles were not published soon after the injunctions, as he makes it, by the same parliament and convocation, but three years after, by another parliament: they were never put in a book, nor published in the king's name; they were enacted in parlia-
294 ment, and are neither more nor less than twenty-five lines in the first impression of that act; so far short come they of a book.

92. He reckons up very defectively the differences between the church of Rome, and the doctrine set forth by the king's authority: but in one point he shews his ordinary wit; for in the sixth particular, he says, "He retained the sacrament "of Order, but appointed a new form of consecrating of "bishops." Page 119.

This he put in out of malice, that he might annul the ordinations of that time; but the thing is false: for except that the bishops, instead of their oaths of obedience to the pope, which they formerly swore, did now swear to the king, there was no other change made; and that to be sure is no part of the form of consecration.

93. He resolved once to speak what he thought was truth, though it be treasonable and impious: and says, "Upon these "changes, many in Lincolnshire, and the northern parts, did "rise for religion, and the *faith of Christ.*" Page 120.

This was indeed the motive by which their seditious priests misled them; yet he is mistaken in the time, for it was not after the six articles were published, but almost three years before it. Nor was it for the faith of Christ, which teaches us to be humble, subject, and obedient; but because the king was removing some of the corruptions of that faith, which their false teachers did impiously call the faith of Christ.

94. He says; "The king did promise most faithfully, "that all these things of which they complained should be "amended." Ibid.

This is so evidently false, that it is plain Sanders resolved dextrously to avoid the speaking of any sort of truth: for the king did fully and formally tell them, he would not be directed nor counselled by them in these points they complained of, and did only offer them an amnesty for what was past.

Page 121. 95. "Then he reckons up thirty-two that died for the de-
"fence of the *faith*."

They were attainted of treason for being in actual rebellion against the king: and thus it appears that rebellion was the *faith* in his sense; and himself died for it, or rather in it, having been starved[4] to death in a wood, to which he fled after one of his rebellious attempts on his sovereign, in which he was the pope's nuncio.

Page 122. 96. He says; "The king killed the earl of Kildare, and five
"of his uncles."

By this strange way of expressing a legal attainder, and the execution of a sentence for manifest treason and rebellion, he would insinuate on the reader a fancy, that one of Bonner's cruel fits had taken the king, and that he had killed those with his own hand. The lord Herbert has fully opened that part of the history, from the records that he saw; and shews that a more resolved rebellion could not be than that was, of which the earl of Kildare and his uncles were guilty. But because they sent to the pope and emperor for assistance, the earl desiring to hold the kingdom of Ireland of the pope, since the king by his heresy had fallen from his right to it, Sanders must needs have a great kindness for their memory, who thus suffered for his *faith*.

[Herbert, p. 491.]

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Page 122. 97. He says; "Queen Jane Seymour being in hard labour
"of prince Edward, the king ordered her body to be so opened
"by surgeons, that she died soon after."

All this is false, for she had a good delivery, as many original letters written by her council (that have been since printed) do shew; but she died two days after of a distemper incident to her sex.

Page 124. 98. He sets down some passages of cardinal Pole's heroical constancy; which being proved by no evidence, and not being told by any other writer, (whom I ever saw,) are to be looked on as the flourishes of the poet to set off his *hero*.

Page 125. 99. He would persuade the world, that the marquis of Exeter, the lord Montacute, and the rest that suffered at that time, died, because they were believed to dislike the king's wicked

[4] [This is Cambden's account, who wrongly places his death in 1583. For another, and probably the true, account of his death, vide Wood's Athenæ Oxon. sub an. 1581.]

proceedings; and that the countess of Sarum was beheaded on this single account, that she was the mother of such a son, and was sincerely addicted to the catholic faith; and that she was condemned because she wrote to her son, and for wearing in her breast the picture of the five wounds of Christ.

The marquis of Exeter pretended he was well satisfied with the king's proceedings, and was lord steward when the lords Darcy and Hussey were tried, and he gave judgment against them. But it being discovered that he and other persons approved of cardinal Pole's proceedings, who endeavoured to engage all Christian princes in a league against the king, pursuant to which they had expressed themselves, on several occasions, resolved, when a fit opportunity offered itself, to rebel; it was no wonder if the king proceeded against them according to law. And for the countess of Sarum, though the legality of that sentence passed against her cannot be defended, yet she had given great offence; not only by her correspondence with her son, but by the bulls she had received from Rome, and by her opposing the king's injunctions, hindering all her tenants to read the New Testament, or any other books set out by the king's order. And for the picture, which was found among her clothes, it having been the standard of the rebellion, and the arms of England being found on the other side of it, there was just ground to suspect an ill design in it.

100. He says; "The images which the king destroyed were, Page 129.
"by many wonderful works of God, recommended to the de-
"votion of the nation."

All the wonder in these works was the knavery of some juggling impostors, and the simplicity of a credulous multitude, of which see pag. 242, which being so openly discovered, nothing that had shame in it could speak of them as our author does.

296 101. He says; "Six and twenty carts, drawn with oxen, Page 131.
"were loaded with the riches taken from Thomas Becket's
"shrine; whom he makes a most glorious martyr, that died
"for the defence of *the faith*, and was honoured by many
"miracles after his death."

Other writers have sufficiently shewed what a perfidious, ungrateful, and turbulent priest he was. All these were virtues in our author's opinion, and ingredients in his faith. But he

has, in this account of the riches of the shrine, gone beyond himself, having, by a figure of speech very familiar to him, (called lying,) increased two chests (see page 244.) to twenty-six cart-loads.

Page 132. 102. He says; "The sentence which pope Paul gave out "against the king, was affixed in some towns, both in France, "Flanders, and Scotland: from which he infers, that both the "emperor, the French, and Scotch king, did consent to that "sentence."

In this he designed an eminent piece of service to the apostolic see, to leave on record an evidence, that three sovereign princes had acknowledged the pope's power of deposing kings. But he did ill to name the proofs of his assertion, and had done better to have said simply that it was so, than to have founded it on so ill grounds: as if the affixing papal bulls in a place were an evidence that the princes, in whose dominions it was done, consented to it. He might with the same reason have concluded, that queen Elizabeth consented to the sentence against herself; which it is very like will not be easily believed, though the bull was affixed in London. But all those very princes whom he names, continuing to keep up their correspondence with the king, as well after as before this sentence, is a much clearer demonstration that they despised the pope's sentence.

Page 134. 103. He says; "The king, by his own authority, threw all "the begging orders out of their houses."

The falsehood of this hath appeared already, for they resigned their houses to the king: and of these resignations, though many were destroyed, yet near an hundred are still extant.

Ibid. 104. He says; "The parliament, in the year 1539, gave the "king all the great monasteries."

The parliament passed no such act; all that they did was only to confirm the grants made, or to be made by these houses to the king. It was their surrenders that clothed the king with the right to them. All the tragical stories he tells us that followed upon this are founded on a false foundation.

Page 135. 105. He sets down a form of resignation, which he says, "all the abbots, and many religious persons, were made to "sign and set their seals to it."

Among all the resignations which are yet extant, there is not one in this form; for which see page 238.

297 106. He says; "The king's commissioners, who went about "getting hands to that form, made them believe in every house, "that all the rest had signed it; and so by that, and other "persuasions, prevailed with many to set their hands to it." Page 136.

If all the subscriptions had been procured about the same time, such arts might be suspected; but in a thing that was three years a doing, these tricks could not have served their turn.

107. He says; "They told the monks, that though the king "might, by virtue of the act of parliament, seize on their "houses and rents, yet he desired rather to do it with their "good-will." Ibid.

In this there are two errors; first, most of these houses were resigned to the king before the act of parliament, see page 235. And next, the act of parliament only confirmed their deeds, but did not give their houses to the king.

108. He says; "The abbots of Glastonbury, Colchester, "and Reading, suffered martyrdom because they refused to "set their hands to that writing." Page 137.

There was no such writing ever offered to them; nor was there any law to force them to resign: so they could not suffer on that account; but they were martyrs for Sanders' *faith*, for they were attainted by a legal trial of high treason.

109. "He tells a long story of Whiting abbot of Glaston- "bury's being brought up to London, to be prevailed with to "set his hand to the surrender. Which he still refusing to do, "was sent back; and though a book against the king's divorce "was found among his papers, which was laid there by those "who searched for it; yet that was past over in a chiding: "but, as he went home, hearing there was a meeting of the "county at Wells, he went thither; and as he was going up "to his place on the bench, he was called to the bar to answer "some things that were to be objected to him: he was amazed "at it, and asked what the matter was? But one told him, he "needed fear nothing, for somewhat was only to be done for "form to terrify others; upon which he was condemned and "sent away to his abbey, little thinking he was so near his "end: but when he came near it, a priest was sent to him to Page 138.

" take his confession, for they told him he must die imme-
" diately; he begged a day or two's respite, but in vain: so
" they hanged him up in his habit, on the top of the hill near
" his abbey, and quartered him; and all this was done in one
" day."

This book came out in foreign parts, and was printed at Rome, in the reign of Sixtus the Fifth, who took great pleasure in such executions as he describes this to have been; which may fall oft out, where the lives of the subjects are wholly at the prince's mercy: but to tell such tales of England, which is so famed over the world for the safety and security the subjects enjoy, and for the regular and legal proceedings in all trials, especially of life and death, was a great error in the poet; for the decorum of the laws and customs of a place must be observed, when any nation is made the scene of a fable. But as nothing like this can be done by the law of 298
England, so there was nothing of it in this case: the jury that sat on him were men of great credit in the country: when he died he acknowledged his offences, and, with appearance of repentance, begged God's pardon, and the king's: see page 239.

Page 145. 110. After many bitter invectives against Cromwell, for which I could never see good evidence, though I cannot disprove them by any convincing arguments, he says, " That he
" advised the king to make a law, that persons might be con-
" vented and condemned in absence, and without being heard:
" and that this law first of all fell upon himself."

There was no such law ever made, only the parliament, by their supreme authority, did attaint some in that manner, but no other court might do it. Nor was this first applied to Cromwell; for a year before his attainder, the countess of Sarum, with a great many more were so attainted, though she did not suffer till a year after him.

Ibid. 111. He tells many reasons why the king had a mind to put away Anne of Cleves: but in this, as in other things, he betrays a profound ignorance of that time; for every body knew that the king, from the first time he saw her, disliked her, and that he never consummated the marriage.

This is a subject not fit to be long dwelt on; but if any will compare the account I give of this matter from the records, with

Sanders' tale, they will see that he wrote at random, and did not so much as know public transactions.

112. He says; "The king had promised to the emperor, Page 146.
"that he would no longer continue in the Smalcaldic league;
"but Cromwell counterfeited the king's hand to a new con-
"firmation of it; which coming to the emperor's knowledge,
"he challenged the king of it, and sent him over a copy of it;
"upon which the king disowned it, and cast it on Cromwell;
"and that this was the cause of his fall."

This I believe is one of Sanders' dreams: there is not one word of it in Cromwell's attainder; nor do I find the least shadow of this in some original letters which he wrote to the king for his pardon, in which he answers many of the things laid to his charge. Nor is it likely he would adventure on so bold a thing with such a king; nor could the emperor have that writing in his power as long as the king lived; for it is not to be imagined how he could come by it, till he had taken the duke of Saxony prisoner, which was after this king's death. [Cotton MSS. Otho, C. x. fol. 242. and Tit. B. i. fol. 257.]

113. He says; "When Cromwell was put to death, the king Page 148.
"proceeded to the divorce of Anne of Cleves."

The divorce was judged by the convocation eight days before Cromwell's death, and confirmed in parliament, which was dissolved before he suffered.

114. He says; "The king sent to her, to tell her, he had a Ibid.
"mind to be separated from her; and though he could pro-
299 "ceed more severely against her, since he knew she was an
"heretic; yet for her family's sake he left it to herself to de-
"vise any reason for their divorce: upon which she came next
"day to the senate, (which may be either the king's council,
"or the parliament,) and confessed she had been married to
"another before she was married to the king: and thereupon,
"by the authority of parliament, he was divorced, and within
"eight days married Catharine Howard."

There are but six gross errors in this period. 1. The king sent not any message to her, nor came there any answer from her, till the sentence of divorce was quite passed. 2. In the original letter which those he sent to her, wrote to him from Richmond, it appears that they used no threatenings to her, but barely told her what was done; to which she acquiesced.

3. She never came from Richmond in all that process, and so made no such declaration in the senate. 4. She did not say that she was married to another, but only that she had been contracted to the prince of Lorraine when she was under age. 5. The parliament did not dissolve the marriage, but only confirmed the sentence of the convocation. 6. The king did not marry Catharine Howard before the 8th of August, and the divorce was judged the 10th of July, a month wanting two days.

Page 149. 115. He says; "The king had consummated the marriage "for seven months together."

There were but six months between his marriage and the divorce; and in all that while, as they bedded but seldom, so there were very clear evidences brought, that it was not consummated.

Page 151. 116. He says; "The king sent the bishop of Winchester, "and sir Henry Knyvet, to the diet of the empire; who were "ordered to propose to the emperor, that the king might "be again reconciled to the see of Rome; to which, he adds, "his conscience did drive him: but since the king would not "confess his past crimes, nor do penance for them, nor restore "the goods of the church, it came to nothing."

This is another ornament of the fable, to shew the poet's wit; but is as void of truth, as any passage in Plautus or Terence is. For the king was all his life so intractable in that point. that the popish party had no other way to maintain their interest with him, but to comply, not without affectation in that matter: and when an information was given against Gardiner for his holding some correspondence with the pope's legate at the diet, he got the man who had innocently discovered it, to be put in prison; and said, it was a plot against him to ruin him, which he needed not be so solicitous about, if his instructions from the king had allowed him to enter on such a treaty.

Page 153. 117. He runs out in a long digression upon the king's assuming the title of king of Ireland; to shew that the kings of England only hold Ireland by the pope's donation.

In this Sanders shews his art, he being to carry the standard of rebellion in that kingdom, to blast the king's right to it. He acknowledges the crown of England had the dominion of Ire-

land, with the title of *lord of Ireland*, about four hundred
300 years: and certainly if so long a possession does not give a good title, and a prescription against all other pretenders, most of the royal families in Christendom will be to seek for their rights. But he says, it was given by the pope to king Henry the Second; and yet he confesses that he had conquered some parts of it, before that grant was sent him by Adrian the Fourth. Certainly king Henry the Second had as good a right to take it, as pope Adrian had to give it: nor was the king's accepting the pope's donation, any prejudice to his title: for things extorted, or allowed upon a public error, can have no force when that is openly discovered. If then the superstition of those ages made, that the pope's donation was a great help to any pretender, it was no wonder that kings made use of it; but it were a wonder indeed if they should acknowledge it, after the trick is known and seen by all.

118. After this, and a satire against queen Elizabeth for Page 162.
assuming the title, *defender of the faith*, and a long enumeration of the exactions in the last years of this reign; in which though there is matter enough for severe complaints, yet many of the particulars he mentions are without any proof, and must rest on the author's credit; which, by this time, the reader will acknowledge is not very great: another long discourse of some length follows, of the misfortunes of the duke of Norfolk, and of all that served the king in his divorce, and in the following actions of his life: from which he infers, that these were effects of a curse from heaven upon all that he did, and on all those that assisted him: but as the inference is bad, so he forgot to mention those noble families that were raised in his time, and have continued since in great honour; as the Seymours, from whom the dukes of Somerset are descended; the Paulets, from whom the marquis of Winchester derives; the Russells, Wriotheslies, Herberts, Riches, and Cromwells, from whom the earls of Bedford, Southampton, Pembroke, Essex, and Ardglass, have descended; and the Browns, the Petres, the Pagets, the Norths, and the Montagues, from whom the viscount Montague, the barons Petre, Paget, North, and Montague, are descended. These families have now flourished in great wealth and honour an age and a half; and only one of them has, and that but very lately, determined in the male line:

but the illustrious female branches of it are intermixed with other noble families. So that the observation is false, and the inference is weak.

Page 164. 119. He says; "When the king found his strength declin-
" ing, he had again some thoughts of reconciling himself to the
" church of Rome; which when it was proposed to one of the
" bishops, he made a flattering answer. But Gardiner moved
" that a parliament might be called for doing it: and that the
" king, for the quiet of his own conscience, would vow to do it;
" of which God would accept in that extremity, when more was
" not possible to be done. But some of his courtiers coming
" about him, who were very apprehensive of such a reconcilia-
" tion, lest they should have been made restore the goods of
" the church, diverted the king from it: and from this our
" author infers, that what the king had done was against
" his conscience, and that so he sinned the sin against the
" Holy Ghost."

I shall not examine this theological definition of the sin 301
against the Holy Ghost; for my quarrel is not at present with his divinity, but with his history, though it were easy to shew that he is alike at both. But for this story it is a pure dream; for not only there is no evidence for it, nor did Gardiner in the reign of queen Mary ever own any such thing, though it had been then much for the credit of their cause, especially he being often upbraided with his compliances to this king, for which the mention of his repentance had furnished him with a good answer: but as the tale is told, the fiction appears too plainly; for a parliament was actually sitting during the king's sickness, which was dissolved by his death, and no such proposition was made in it. The king on the contrary destroyed the chief hopes of the popish party, which were founded on the duke of Norfolk's greatness, by the attainder which was passed a day before he died. And yet Sanders makes this discourse to have been between the king and Gardiner after his fall, and his son's death, between which and the king's death there were only nine days: but besides all this, Gardiner had lost the king's favour a considerable time before his death.

Page 166. 120. He says; "The king, that he might not seem never to
" have done any good work in his whole life, as he was dying,
" founded Christ's Church Hospital in London; which was all

" the restitution he ever made for the monasteries and churches " he had robbed and spoiled."

If it had not already appeared, in many instances, that our author had as little shame as honesty, here is a sufficient proof of it. I will not undertake to justify the king, as if he had done what he ought to have done, in his new foundations: but it is the height of impudence to deny things that all England knows. He founded six bishoprics; he endowed deans and prebendaries, with all the other offices belonging to a cathedral, in fourteen several sees, Canterbury, Winchester, Durham, Ely, Norwich, Rochester, Worcester, and Carlisle; together with Westminster, Chester, Oxford, Gloucester, Peterborough, and Bristol, where he endowed bishoprics likewise. He founded many grammar-schools, as Burton, Canterbury, Coventry, Worcester, &c. He founded and endowed Trinity college in Cambridge, which is one of the noblest foundations in Christendom. He also founded professors, in both universities, for Greek, Hebrew, law, physic and divinity. What censure then deserves our author, for saying, that the hospital of Christ's Church was all the restitution he ever made of the church lands!

121. He gives a character of the king, which suits very well with his history, his malice in it being extravagantly ridiculous. Among other things he says; "The king promoted always "learned bishops, Cranmer only being excepted, whom he "advanced to serve his lusts." Ibid.

Cranmer was a man of greater learning than any that ever sat in that see before him, as appears in every thing that he writ: Tunstall was a learned man, and Gardiner was much esteemed for learning; yet if any will compare Cranmer's books of the sacrament, with those the other two writ on the
302 same subject, there is so great a difference between the learning and solidity of the one and the other, that no man of common ingenuity can read them, but he must confess it.

122. He says; "When the king found himself expiring, he "called for a bowl of white wine, and said to one that was near "him, *We have lost all:* and was often heard repeating, "*Monks, monks,* and so he died." Page 170.

This was to make the fable end as it had gone on, and it is forged without any authority or appearance of truth.

The manner of his death was already told, so it needs not be repeated.

Page 171. 123. He says; "The king by his will appointed the crown "to go to his righteous heirs after his three children, and com- "manded his son to be bred a true catholic: but his will was "changed, and another was forged, by which the line of Scot- "land was excluded, and they bred his son a heretic."

There was no such will ever heard of; and in all the debates that were managed in queen Elizabeth's reign about the succession, those that pleaded for the Scottish line never alleged this: which, had it been true, did put an end to the whole controversy. It was indeed said, that the will, which was given out as the king's will, was not signed by his hand, nor sealed by his order, but it was never pretended that there was any other will: so this is one of our author's forgeries.

The Conclusion.

THUS I have traced him in this History, and I hope I have said much more than was necessary to prove him a writer of no credit, and that his book ought to have no authority; since he was not only a stranger to the public transactions, printed statutes, and the other authentic registers of that time, but was a bold and impudent asserter of the grossest and most malicious lies that ever were contrived. I have not examined all the errors of his chronology, for there is scarce any thing told in its right order, and due place; nor have I insisted on all the passages he tells, without any proof, or appearance of truth: for as I could only deny these without any other evidence but what was negative, so there are so many of them, that I must have transcribed the greatest part of his book, if I had considered them all. I have therefore only singled out these passages, which I had in the former History demonstrated to be false: and these are both so many and so important that I am sure enough is said to destroy the credit of that author, and of his book, which has too long deceived the world. And what is performed in this first part, will I hope dispossess the reader of any ill impressions the following parts of that work have made on him, concerning the succeeding reigns, of which an account shall be given, as soon as it possibly can be made ready.

303 I shall esteem my time to have been well employed, and my pains rightly placed, if my endeavours have so good an effect, as to take off the unjust prejudices which some may have conceived at the changes that were then made in religion, or at the beginnings of them; which being represented by this author, and upon his testimony by many other writers, in such odious characters to the world, are generally so ill looked on.

The work itself was so good, done upon so much reason, managed with such care, directed by such wisdom, and tempered with so great moderation, that those who intended to blast it, did very wisely to load it with some such prejudices: for if without these, the thing itself be examined by men of a

candid temper and solid judgment, the opposers of it know well where the truth lies; and on whose side both the scriptures, and the best ages of the primitive church have declared. But it was not fit to put a question of such importance on so doubtful and so dangerous an issue: therefore it was well considered by them, that some popular and easily understood calumnies, to disgrace the beginnings of it, and the persons that were most employed in it, were to be fastened on them: and if these could be once generally received, then men might be alienated from it by a shorter way, than could be done by the dull and unsuccessful methods of reason. Therefore as the cause of our church hath been often vindicated, by the learned books that have been published in it; and never with more success, and a clearer victory, than of late, in the elaborate writings (which are never to be mentioned but with honour) of the renowned Dr. Stillingfleet; so I judged it might not be an unuseful and unacceptable work (which though it be of a lower form, and so most suitable to my genius, yet will be of general use) to employ the leisure I enjoy, and the small talent committed to me, in examining and opening the transactions of those times: and if those who read it are dispossessed of their prejudices, and inclined to consider things, as they are now set before them, in a truer light, I have gained my end in it.

The truths of religion need no support from the father of lies. A religion made up of falsehoods and impostures must be maintained by means suitable to itself: so Sanders' book might well serve the ends of that church, which has all along raised its greatness by public cheats and forgeries; such as the donation of Constantine, and the book of the Decretals; besides the vast number of miracles and visions that were for many ages made use of by them; of which even the most disingenuous of their own writers begin to be now ashamed. But the reformation of religion was a work of light, and needs none of the arts of darkness to justify it by. A full and distinct narrative of what was then done will be its apology, as well as its history. There is no need of artifice, but only of industry and sincerity, to gather together all the remains of that time, and put them in good order.

I am now beginning to look towards the next, and indeed the best part of this work: where, in the first reign, we shall

304 observe the active endeavours of those restorers of religion. The next reign affords a sadder prospect of that work laid in ruins, and the authors of it in ashes; but the fires that consumed them did rather spread than extinguish that light which they had kindled. And what is fabled of the phenix will be found true of our church, that she rose new out of these ashes, into which she seemed consumed.

Towards the perfecting this History, I hope all that love the subject of it will contribute their endeavours, and furnish every thing that is in their power, which may make it fuller or clearer: so I end with that desire which I made in the preface, that any who have in their hands any papers relating to these times will be pleased to communicate them; and whatever assistance they give to it shall be most thankfully owned and acknowledged.

THE END OF THE APPENDIX.

A Table of the Records and Papers that are in the Collection, with which the places in the History to which they relate are marked; the first number, with the letter C, *is the page of the* Collection; *the second, with the letter* H, *is the page of the* History.

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